SENATE—*Wednesday, September 20, 1995*

(Legislative day of Tuesday, September 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord God, Sovereign of our Nation, personal Lord of our lives, we claim Your promise given through Isaiah, "Your ears shall hear a word behind you saying, 'This is the way, walk in it'."—Isaiah 30:21. We dedicate this day to walk humbly with You. We are challenged by the realization that the Hebrew meaning of "walk humbly" is "to walk attentively." And so, we commit our minds and hearts to listen attentively to You. Speak to us so that what we speak may be an echo of Your voice which has sounded in the depth of our receptive souls. In the din of the cacophony of voices demanding our attention, help us to seek to know and do Your will for what is best for our beloved Nation.

Grant us the greatness of minds tuned to the frequency of Your spirit's guidance. Free us of any tenaciously held positions that may not have been refined by careful listening to You. May our united position together be that of women and men committed to Your righteousness and justice.

We ask for Your blessing for our President, the House of Representatives, the Justices of the Supreme Court, and the judges of the courts of our land who seek to carry out Your will in their decisions, and all who assume the awesome responsibilities of government. We listen to hear Your voice saying, "This is the way, walk in it—together." In the name of our Lord. Amen.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

Mr. FORD addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Kentucky is recognized.

Mr. FORD. I believe I have a standing order this morning that I have up to 20 minutes. Is that correct?

The PRESIDENT pro tempore. Correct.

Mr. FORD. I thank the Chair.

APPRECIATION OF FLOOR STAFF

Mr. FORD. First, Mr. President, let me thank the floor staff for the effort they put forward all the time and the effort they made last evening to give this Senator a few moments of the Senate's time today, and I want them to know that I do appreciate it.

(Mrs. HUTCHISON assumed the chair.)

(The remarks of Mr. FORD pertaining to the introduction of S. 1262 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT AGREEMENT—H.R. 1976

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the orders for the three back-to-back votes and the debate with respect to H.R. 1976 be postponed to occur at 12 noon today.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 1868

Mr. FORD. Madam President, I further ask unanimous consent that at 9:45 a.m. the Senate begin consideration of H.R. 1868, the foreign operations appropriations bill, for opening statements until 11 a.m.

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

Mr. FORD. Madam President, therefore, the vote scheduled for 9:45 a.m. has now been postponed to occur at 12 noon and the Senate would instead begin consideration of the foreign operations appropriations bill at 9:45.

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

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

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

CONGRESSMAN JAMIE WHITTEN

Mr. COCHRAN. Madam President, last week, I was very honored to be able to attend the funeral in my State of former Congressman Jamie Whitten. Congressman Whitten was my good friend and colleague in the House. I served in the House 6 years before coming to the Senate. During that time, I got to know him and be with him frequently. Even though I was not on the Appropriations Committee at that time when I was elected to the Senate, I soon became a member of the Appropriations Committee, and as irony caused it, I was immediately the chairman of the Agriculture Appropriations Subcommittee.

The day I went on the Agriculture Subcommittee, the Republicans had become the majority in the Senate and that was my first assignment. Interestingly enough, on the House side, Congressman Whitten had been the chairman of the Agriculture Appropriations Subcommittee since about 1949. He had been in the House only 8 years when he became chairman of the House Appropriations Subcommittee for Agriculture.

So that first year, I recall having the opportunity of going to conference with Congressman Whitten chairing the subcommittee on the House side and I chairing it on the Senate side, both being from the same State. I was very new to the job, and I remember he said to me that day as we began our negotiation on the House-passed and Senate-passed appropriations bills funding the Department of Agriculture and related agencies, "THAD, you had better be careful what you ask for now; you might get it."

I have never forgotten that. It was an interesting lesson and a good thing to tell me because in that position you have to defend what you have recommended; you have to understand that there are going to be those who will look critically at the contents of the bill. And we worked very cordially together during those 6 years when I chaired that subcommittee.

As I was handling the bill in this Chamber for the last couple of days we have been considering the Agriculture appropriations bill, I thought several times about my good friend and former colleague in the House and the lessons that I learned, which have certainly been good lessons to learn.

He was a man who was very courteous, very knowledgeable about the subject. In his dealings with other Members of the House and Senate, he was always a gentleman. I respected that and appreciated that in Jamie Whitten.

When he retired from the House, we truly saw come to an end a legendary career in many ways, not because of length of service, which was longer than anyone had ever served in the

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

House of Representatives, but because of the kind of person he was and the way he did his job. He took it seriously. He was conscientious, he did it well, and he did it well for a long period of time.

I was reading editorials just over the last few weeks in our State, and there have been many written talking about Congressman Whitten. There were two that I particularly appreciated, and I will put them in the RECORD. One is from the Northeast Mississippi Daily Journal in Tupelo, and the other was written by Bill Minor, who has a syndicated political column in Mississippi, and this was printed in the Clarion-Ledger in Jackson, MS.

Madam President, I ask unanimous consent that both of these editorials be printed in the RECORD.

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

[From the Northeast Mississippi Daily Journal, Tupelo, MS, Sept. 12, 1995]

FORMER CONGRESSMAN JAMIE WHITTEN

Jamie Whitten started his public service career when some Mississippians still had eye-witness memories of the Civil War and only dreamed of one day having electricity in their houses. He concluded his public service after a 53-year tenure in the U.S. Congress when many Americans routinely communicate from their homes via computers with people halfway around the world.

His journey ends in Charleston, the same small town that nurtured his early political career and always sustained him as the place he called home. It was the place where almost everyone knew him and called him Jamie, not Mr. Chairman or Congressman or any of the other honorifics by which he was addressed in his official capacities. He was, in the words of longtime staff leader Buddy Bishop, "just one of the guys" in Charleston. His town, the state, and the nation bid Whitten farewell in a service at Charleston Presbyterian Church, where he had been an active member for almost 70 years.

Whitten, 85, died Saturday in an Oxford hospital less than a year after retiring from the U.S. House of Representatives. His 53 years in the House is the record for longevity in that chamber. He is second only to the late Sen. Carl Hayden of Arizona, whose 56 years in the House and Senate combined is Capitol Hill's longest tenure.

Whitten was a low-profile giant who thrived on the serious and demanding business of making public policy. His legislative gifts were no place more evident than in federal policy, laws and programs related to improving and enhancing life in rural America. The depth and breadth of his influence and interest inevitably grew as he moved up the ladder of power and responsibility in Washington. The ladder finally took him to the pinnacle chairmanship of the Appropriations Committee.

Mississippi's senior senator, Republican Thad Cochran, considered Whitten a congressional mentor and close friend. Cochran said Monday that Whitten possessed the invaluable gift of remaining unhurried and courteous in a political atmosphere that was more often frenetic and sometimes discourteous.

Whitten believed in federal investment in America, a practice some people derisively and mistakenly call pork-barrel spending. Whitten often stated his belief in spending federal dollars to generate a return from the productivity of American citizens. That idea always is unpopular with congressmen who don't have the intelligence or the influence to steer a share of the investment to their states and districts. Whitten understood, as he networked with colleagues from coast to coast, that a good investment provides a good return, no matter where it's made.

He also understood that the vast resources of the federal government, as a moral imperative, must be applied to people in crisis and people in need.

Many other members of Congress in this century have been more widely known, more colorful and more ambitious. A bare handful stand in company with Whitten's impact and influence because, for him, effectiveness was vastly more important than fame.

Winston Churchill said that "singleness of purpose and simplicity of conduct" are powerful attributes of public servanthood.

Those same qualities distinguish Congressman Jamie L. Whitten's long record as the people's representative in Washington.

[From the Clarion-Ledger, Sept. 17, 1995]

JAMIE WHITTEN KNEW REAL POWER WAS IN THE PURSE STRINGS

(By Bill Minor)

Mississippi's 53-year congressional veteran served his state well.

What Jamie Whitten's half-century in the House of Representatives did for the state of Mississippi is incalculable, because it is beyond comparison to any other person who has represented this state or almost any state in the Congress of the United States.

Certainly Whitten gave this relatively small state in the whole scheme of things for greater influence—you can call it clout—than it had reason to expect. He made the strongest case for longevity as opposed to the current demand for term limits.

In his incredible 53-year service in the U.S. House, Whitten wisely concentrated on the area where the real power lies in Congress, the power of the purse. He long ago staked out a seat on Appropriations, working his way up to the chairmanship in 1980. But for many years before that, he headed the agriculture subcommittee of Appropriations, the spot that earned him the sobriquet as "the permanent Secretary of Agriculture." It was true that Whitten held the purse strings for farm programs as well as a broad spectrum of other programs that were tucked under his wing and the huge agricultural industry of this country knew it. His first concern always was to see that the farm interests of Mississippi were well-served.

Whitten, said his onetime Mississippi colleague, former U.S. Rep. David Bowen, "could digest an appropriation bill faster than anyone" in Congress. His legendary reading of the fine print in an appropriation bill is what rescued the Tennessee-Tombigbee Waterway from the public works graveyard in 1967.

Whitten's reputation as the "mumbler" when he was handling amendments to complicated appropriations bills, was actually strategy and was done intentionally, says Bowen. "His speaking style may have seemed obfuscating, says Bowen, "but he was a very bright man." Perhaps he was not outwardly articulate as an orator in comparison to some of his colleagues, but Whitten got the job done.

One important thing in light of what has recently come out of the Bob Packwood diaries about the inordinate influence of Washington lobbyists, is that Whitten, with all his power in spending, never had much time for lobbyists.

The career of Jamie Whitten is a remarkable story of a small-town Mississippian who started out in Congress as a New Dealer with Franklin Roosevelt a half-century ago. Then be became a Dixiecrat in the 1950s when the Citizens' Council and Ross Barnett were in their heyday. In fact, he was one of the leaders in the anti-civil rights Southern Manifesto in Congress.

Back in those days he hardly let it be known back in Mississippi that he was a member of the Democratic Party. But by the late 1960s, Whitten began his transformation to a loyal team player for Democratic programs and eventually became a key cog in pushing liberal programs of the Democratic leadership.

While most political figures become more conservative as they grow older, Whitten on the other hand, grew more liberal, or as some close observers believe, he returned to his New Deal populist roots.

Yes, Jamie Whitten could be said to have been a pragmatic politician. However, he used the political system to not for his own glory, but in a very real sense for his own state. Essentially, Whitten believed in the fundamental value of the federal government as an instrument for the good of the people.

Fortunately, Whitten's best years were in the days before the austerity era became vogue in Congress, and when there was more money available to fund projects such as the Tenn-Tom.

It was never his style to dabble in someone else's politics or build a political organization beyond his own small, loose-knit cadre of followers. The furthest he ever ventured into statewide politics was once, in 1976, when came down to Jackson to endorse Jimmy Carter for president. That occasion was also his rare (maybe only) exposure to sharp questioning by the state press of Mississippi in a full-fledged news conference. I recall that it was quite an unsettling experience for him.

Jamie probably overstayed his time in Congress when his failing health made him no longer productive. Yet, with his passing last week at age 85, everyone in this state must be grateful that he served them so long and so well. It's unthinkable we'll ever see another like him.

WELFARE REFORM

Mr. PELL. Mr. President, yesterday the Senate concluded several weeks of debate on welfare reform legislation. The changes that were incorporated in the legislation are profound, marking a great departure from the system that has been in place for 60 years. As one who has served my State of Rhode Island and this Nation as a U.S. Senator from 35 of those 60 years, I did not take lightly the vote that I cast yesterday. I thought long and hard about the desire for change, for reform, and for a better welfare system, and I share all of those goals.

As I look at the bill, I remain concerned. It does not provide nearly enough of what I think is necessary for quality welfare reform. And it does not sufficiently protect our children or provide adults with the tools they need to move off of welfare and into work.

But the final bill was also a drastic improvement over the House welfare

legislation, and, with the addition of the Dole-Daschle compromise, moves us more in the direction that I think is best for our Nation. So while it was with some reluctance, I decided to cast my vote in favor of the legislation that was before us yesterday. I did so with the understanding that the American people want and demand action, and are seeking a new way of accomplishing what the existing system has not been able to accomplish. I am willing to try a new way, but acknowledge freely that without the minimal protections put into place by the Dole-Daschle agreement with respect to child care and other important provisions, I would not have voted "yea."

I cannot help but hope that the conference committee will see fit to incorporate more of the provisions contained in the Work First proposal introduced by Senator DASCHLE, which I cosponsored. I still support and strongly prefer its provisions—its emphasis on transitioning welfare recipients to work, its understanding that providing child care is a linchpin of successful reform, and its premise that—despite very real abuses of the current system by some welfare recipients—most people want to get off welfare and work at a job that provides a living wage. But I realize that the conference committee is more likely to move this bill in a direction that I cannot support, by being more punitive to parents and, in the process, harming children who have not chosen their parents or their circumstances.

Mr. President, it would be my intention, should the bill return from the conference committee stripped of these moderating provisions, or including any of the more draconian provisions we defeated during the Senate debate, to cast my vote against the conference report. I hope that this will not be necessary and that we will be able to pass a conference report that really does move the Nation in the direction that we all want to see—toward workable reform that moves this generation off of dependency while ensuring that the next generation does not suffer for its parents' failures or misfortunes.

TRIBUTE TO AMERICAN LEGION AUXILIARY, UNIT 230, PIKE-HUSKA POST

Mr. PRESSLER. Mr. President, today I pay tribute to certain members of the American Legion Auxiliary, Unit 230, Pike-Huska Post in Aurora, SD. Governor William Janklow designated the first day of the recent South Dakota State Fair as "Victory Day Golden Anniversary Celebration" in honor of South Dakota veterans who served in the Second World War. Ten special women in the American Legion Auxiliary in Aurora provided South Dakota World War II veterans attending the celebration with tokens of their appreciation and gratitude in memory of our veterans' dedicated service.

Mr. President, I had the opportunity to join my fellow South Dakotans at the State fair in expressing appreciation to the outstanding men and women who served their country during the Second World War. I am proud of the contributions made by South Dakotans during the war years. More than 2,200 South Dakota National Guardsmen served on active duty. More than 41,000 South Dakotans were called into military service through the draft and 23,192 South Dakotans enlisted. More than 1,500 South Dakotans stood face to face against Hitler's war machine and gave their lives to turn back Nazi aggression. At home, South Dakotans dug deep into their pockets to keep American troops armed, fed, and clothed. During eight national fundraising campaigns, South Dakota consistently ranked first or second in the per capita sale of series "E" war bonds. In fact, South Dakotans raised $111.5 million from the sale of series "E" war bonds to help the war effort.

Mr. President, as a war veteran myself, having served in the United States Army as a lieutenant in Vietnam, I extend my sincere respect, admiration, and appreciation for the dedicated service and selfless sacrifice of South Dakota's Second World War veterans. I especially appreciate the 10 members of the American Legion Auxiliary in Aurora, SD, who provided on behalf of themselves and all South Dakotans, a small token of our boundless gratitude for those courageous veterans who answered the call to duty more than 50 years ago.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go," as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to add up a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, September 19, the total Federal debt—down to the penny—stood at $4,965,954,997,403.59, of which, on a per capita basis, every man, woman, and child in America owes $18,850.85.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report H.R. 1868.

The assistant legislative clerk read as follows.

A bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, 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.)

H.R. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, **[$786,551,000]** *$795,000,000* to remain available until September 30, 1997: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1996 and 1997: *Provided further,* That up to $100,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further,* That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, [$45,228,000] *$46,000,000*: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1996.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed [$35,000] *$20,000*) shall not exceed [$26,500,000] *$26,000,000*: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, [$69,500,000] *$79,000,000*, as authorized by section 234 of the Foreign Assistance Act of 1961, *to be derived by transfer from the Overseas Private Investment Corporation Noncredit account*: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1996 and 1997: *Provided further*, That such sums shall remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996, and through fiscal year 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1997, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

[INTERNATIONAL FINANCIAL INSTITUTIONS

[CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

[For payment to the International Finance Corporation by the Secretary of the Treasury, $67,550,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $5,269,000 may be expended for the purchase of such stock in fiscal year 1996.

[CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

[For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $70,000,000 to remain available until expended.]

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1996, unless otherwise specified herein, as follows:

[AGENCY FOR INTERNATIONAL DEVELOPMENT

[CHILDREN AND DISEASE PROGRAMS FUND

[For necessary expenses to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, for child survival, assistance to combat tropical and other diseases, and related assistance activities, $592,660,000, to remain available until September 30, 1997: *Provided*, That this amount shall be made available for such activities as (1) immunization programs, (2) oral rehydration programs, (3) health and nutrition programs, and related education programs, which address the needs of mothers and children, (4) water and sanitation programs, (5) assistance for displaced and orphaned children, (6) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, polio, malaria and other diseases, (7) basic education programs, and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF): *Provided further*, That funds appropriated under this heading shall be in addition to amounts otherwise available for such purposes.

[DEVELOPMENT ASSISTANCE FUND

ECONOMIC ASSISTANCE

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the provisions of sections 103 through 106, of the Foreign Assistance Act of 1961, $655,000,000] *For necessary expenses to carry out the provisions of sections 103 through 106, chapter 10 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and the provisions of title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and provisions of section 401 of the Foreign Assistance Act of 1969, $2,117,099,331*, to remain available until September 30, 1997: *Provided, That funds made available under this heading for each of (1) sections 103 through 106, (2) section 104(b), (3) chapter 10 of part I, (4) chapter 4 of part II (exclusive of assistance for Israel and Egypt) of the Foreign Assistance Act of 1961, (5) title V of Public Law 96–533, (6) section 401 of the Foreign Assistance Act of 1969, and (7) for "Debt Restructuring", shall be the same proportion to the total amount appropriated under this heading as the proportion of funds appropriated to carry out each of such provisions was to the total amount appropriated for them in title II of Public Law 103–306, exclusive of assistance to Israel and Egypt: Provided further, That the use of any authority to waive the requirements of the previous proviso shall be subject to the regular notification requirements of the Committees on Appropriations: Provided further, That of the funds appropriated or otherwise available by this Act for population planning assistance administered by the Agency for International Development, not less than $350,000,000 shall be made available for the central Office of Population of the Agency for International Development in fiscal year 1996, which sum shall be made available to that office: Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options including abortion: Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading [and under the heading "Development Fund for Africa",] not to exceed a total of $15,000,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further, That none of the funds made available under this heading may be transferred to the Government of Zaire.*

[DEVELOPMENT FUND FOR AFRICA

[For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $528,000,000, to remain available until September 30, 1997: *Provided*, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.]

CYPRUS

Of the funds appropriated under the heading "Economic Assistance", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the heading "Economic Assistance", not less than $2,000,000 shall be made available to strengthen democracy and support humanitarian activities in Burma: Provided, That of this amount, not less than $200,000 shall be used to support newspapers, publications and media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available to organizations and Burmese student groups to expand indigenous participation in the political process, transportation, communications, publications, administration, and medical supplies and humanitarian services: Provided further, That funds made available under this heading may be made available to support activities in Burma, along the Burma-Thailand border, and to support activities designated by this Act outside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Appropriations Committees.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section, *except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.*

[Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

[INTERNATIONAL DISASTER ASSISTANCE

[For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,000,000 to remain available until expended.]

DEBT RESTRUCTURING

[For] *Of the funds made available under the heading "Economic Assistance", for* the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, [owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, $7,000,000] *$15,000,000*, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

[For] *Of the funds made available under the heading "Economic Assistance", for* the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974*: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the prinicpal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961.* In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development*: Provided further, That funds made available under this heading shall remain available until September 30, 1997.*

HOUSING GUARANTY PROGRAM ACCOUNT

[For administrative expenses to carry out guaranteed loan programs, $7,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.]

Of the funds made available under the heading "Economic Assistance", for the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $8,000,000: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: Provided further, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees: Provided further, That for administrative expenses to carry out guaranteed loan programs, $7,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $175,000,000 to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,914,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, [$465,750,000] *$490,000,000*[: *Provided*, That of this amount not more than $1,475,000 may be made available to pay for printing costs: *Provided further*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of that Agency or the Administrator's designee].

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, [$35,200,000] *$30,200,000*, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

MIDDLE EAST FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,300,000,000] *$2,015,000,000*, to remain available until September 30, 1997[: *Provided*, That any funds appropriated under this heading that are made available for Israel shall be made available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later]*: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty*[: *Provided further*, That none of the funds

appropriated under this heading shall be made available for Zaire].

[INTERNATIONAL FUND FOR IRELAND

[For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 1997.]

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, [$324,000,000] *$335,000,000*, to remain available until September 30, 1997, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, [$580,000,000] *$705,000,000*, to remain available until September 30, 1997: *Provided*, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state[, such as those violations included in Principle Six of the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further,]: *Provided*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: *Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs.*

(f) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(h) Funds appropriated under this heading may be made available for assistance for Mongolia.

(i) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including small- and medium-size businesses, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations [previously functioning in the new independent states].

[(j) The ratio of private sector investment (including volunteer contributions in cash or time) to United States government assistance in projects referred to in subsection (i) shall be no less than a ratio of 1 to 1.]

(k) Of the funds appropriated under this heading, not less than $15,000,000 should be available only for a family planning program for the new independent states of the former Soviet Union comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion.

(l) Notwithstanding any other provision of law or this Act, of the funds appropriated under this heading, not less than $85,000,000 shall be made available for programs and activities for Armenia, of which $35,000,000 shall be available for food, $40,000,000 shall be available for fuel, and $10,000,000 shall be available for medical supplies and services.

(m) Of the funds made available by this or any other Act, not less than $30,000,000 shall be made available for programs and activities for Georgia.

(n) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine: Provided, That of these funds made available, not less than $3,000,000 shall be made available to assist in establishing a commodities exchange board: Provided further, That not less than $5,000,000 shall be made available to support improvements in the delivery of social services: Provided further, That not less than $20,000,000 shall be available to support the development of small and medium enterprises: Provided further, That not less than $2,000,000 shall be provided to support strengthening in independent broadcast and print media: Provided further, That not less than $5,000,000 shall be available for a pilot project to screen, diagnose, and treat Chernobyl victims suffering from breast cancer: Provided further, That not less than $5,000,000 shall be available to support a joint United States-Ukraine geographic survey to determine levels of contamination caused by the Chernobyl reactor: Provided further, That not less than $2,000,000 shall be available to conduct an assessment of the energy distribution grid with recommendations on improvements necessary to provide comprehensive industrial, commercial and residential access to power: Provided further, That not less than $5,000,000 shall be made available for a pilot project to establish a management and market economics training partnership between a Ukrainian university and a United States university with demonstrated experience in Eastern Europe or the New Independent States and an ability to plan and direct a multi-faceted program including business management, manufacturing management, market economics, and public administration training.

(o) Of the funds made available for Ukraine, under this Act or any other Act, not less than $50,000,000 shall be made available to improve nuclear energy self-sufficiency and improve safety at nuclear reactors: Provided, That of this amount, not less than $30,000,000 shall be made available to provide technical assistance, training and equipment to develop institutions and procedures to license, purchase, transfer and use nuclear fuel assemblies consistent with International Atomic Energy Agency standards: Provided further, That of this amount, not less than $20,000,000 shall be provided for the purchase, installation and training for safety parameter display systems or safety control systems at all nuclear operational nuclear reactors, but on a priority basis at the Chernobyl facility.

(p) Notwithstanding any other provision of law or of this Act, of the funds made available under this heading, within 30 days of enactment of this Act, not less than $4,500,000 shall be transferred to the Federal Bureau of Investigation to establish Legal Attaché offices and related programs in Ukraine, Kazakhstan, and Estonia: Provided, That these funds shall support both in country and regional law enforcement liaison and investigation activities.

(q) Notwithstanding any other provision of law or of this Act, of the funds made available under this heading, within 30 days of enactment of this Act not less than $12,600,000 shall be transferred to the Federal Bureau of Investigation for international training and cooperation in Central Europe and the New Independent States: Provided, That these funds may support training conducted at the International Law Enforcement Academy in Hungary, in country training sessions in Central Europe, the Baltics, and the New Independent States, and efforts to establish national law enforcement institutes.

(r) Of the funds made available under this heading, not less than $20,000,000 shall be available for hospital partnership programs.

(s) Of the funds made available under this heading, not less than $45,000,000 shall be provided to the Western NIS Enterprise Fund.

(t) No funds may be made available under this heading, until the Department of State Office of the Coordinator for United States Assistance to the New Independent States submits a report to the Committees on Appropriations providing a country by country development strategy including the type of activities planned to carry out the strategy requirements.

(u) No funds may be made available under this heading for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated all planning and implementation of arrangements to provide Iran with technical expertise, training, technology or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

(v) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Funds disbursement of such funds. The Fund may retain for program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(w) Of the funds made available under this heading, not less than $15,000,000 shall be made available to support establishing a Trans-Caucasus Enterprise Fund.

[INDEPENDENT AGENCIES

[AFRICAN DEVELOPMENT FOUNDATION

[For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, $11,500,000.

[INTER-AMERICAN FOUNDATION

[For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $20,000,000.]

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), [$210,000,000] *$200,000,000*, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further, That funds appropriated under this heading shall remain available until September 30, 1997.*

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, [$113,000,000] *$150,000,000*: *Provided*, That during fiscal year 1996, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further, That of the funds appropriated under this heading, not less than $1,800,000 shall be available to establish and maintain a Federal Bureau of Investigation Legal Attaché office in Cairo, Egypt: Provided further, That not less than $5,000,000 shall be made available to the Federal Bureau of Investigation and the Secret Service to establish and maintain offices in the Triborder area of Argentina, Brazil and Paraguay.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; *salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; salaries and expenses of personnel assigned to the bureau charged with carrying out the Migrations and Refugee Assistance Act; allowances as authorized by sections 5921 through 5925 of title 5, United States Code*, purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $671,000,000: *Provided, That not more than $12,000,000 shall be available for administrative expenses*[: *Provided*, That, one of the funds appropriated under this heading shall be available for salaries and expenses of personnel assigned to the bureau charged with carrying out the Migration and Refugee Assistance Act[: *Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.*

[REFUGEE RESETTLEMENT ASSISTANCE

[For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.]

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, [$17,000,000] *$15,000,000*.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $20,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided*, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, [$39,000,000] *$19,000,000*: *Provided*, That up to $100,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any high income country on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, and may also include individuals who are not members of a government: *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire *and Guatemala*[: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded military education and training].

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,211,279,000] *$3,207,500,000*: [*Provided*, That funds appropriated by this paragraph that are made available for Israel and Egypt shall be made available only as grants: *Provided further*, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not to exceed $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act:] *Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1995, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That, for the purpose only of providing support for the Warsaw Initiative Program, of the funds appropriated by this Act under the headings "Assistance for Eastern Europe and the Baltic States" and "Assistance for the New Independent States of the Former Soviet Union", up to a total of $20,000,000 may be transferred, notwithstanding any other provision of law, to the funds appropriated under this paragraph: Provided further,*

That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $64,400,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $544,000,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further*, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed *the following:* $224,000,000 *only* for Greece and [shall not exceed] $320,000,000 *only* for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Peru, Liberia, and Guatemala: *Provided further*, That none of the funds appropriated or otherwise made available for use under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further*, That not more than [$24,000,000] *$22,500,000* of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1996 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, [$68,300,000] *$72,033,000: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.*

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, [$23,009,000] *$28,189,963*, to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), [$30,000,000] *$50,000,000*, to remain available until September 30, 1997.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed [$743,900,000] *$911,475,013*.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, [$575,000,000] *$775,000,000*, for the United States contribution to the tenth replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $67,550,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: Provided, That of the amount appropriated under this heading not more than $5,269,000 may be expended for the purchase of such stock in fiscal year 1996.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, [$25,950,000] *$25,952,110, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,000,000, to remain available until expended.*

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed [$1,523,000,000] *$1,523,767,142*.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $70,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, [$13,200,000] *$13,221,596*, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed [$647,000,000] *$647,858,204*.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), [$100,000,000] *$110,000,000*, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, [$69,180,000] *$70,000,000*, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $54,600,000 may be expended for the purchase of such stock in fiscal year 1996.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed [$161,400,000] *$163,333,333*.

[NORTH AMERICAN DEVELOPMENT BANK

[For payment to the North American Development Bank by the Secretary of the

Treasury, for the United States share of the paid-in portion of the capital stock, $56,250,000, to remain available until expended.

[LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

[The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.]

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, [$155,000,000] *$260,000,000*: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further, That any reduction in the amounts made available under this heading for each of the United Nations Development Program, the United Nations Children's Fund, the United Nations Environment Program, and the International Atomic Energy Agency, from the amounts made available under this heading for such organizations for fiscal year 1995, shall not exceed the percentage by which the total amount appropriated under this heading is reduced from the total amount appropriated under this heading for fiscal year 1995: Provided further*, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further*, That not more than [$25,000,000] *$35,000,000* of the funds appropriated under this heading may be made available to the UNFPA: *Provided further*, That not more than one-half of this amount may be provided to UNFPA before March 1, 1996, and that no later than February 15, 1996, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1996: *Provided further*, That any amount UNFPA plans to spend in the People's Republic of China in 1996 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1996 pursuant to the previous provisos: *Provided further*, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds[: *Provided further*, That up to $13,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) for administrative expenses and heavy fuel oil costs associated with the Framework Agreement: Provided further, That additional funds may be made available to KEDO subject to the regular notification procedures of the Committees on Appropriations].

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, [not to exceed $5,000] *no funds* shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", [not to exceed $2,000] *no funds* shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, *no funds shall be available for entertainment and* not to exceed $2,000 shall be available for [entertainment and] representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, [not to exceed a total of $4,000] *no funds* shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", *no funds shall be available for entertainment and* not to exceed $2,000 shall be available for representation [and entertainment] allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Serbia, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations, except for transfers specifically referred to in this Act.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. *(a)* Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1996, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1996.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8 and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any

other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, *and the Chairman of the Board so notifies the Committees on Appropriations*.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for [''Child Survival and Disease Programs Fund'', ''Development Assistance Fund'', ''Development Fund for Africa'',] *''Economic Assistance''*, ''International organizations and programs'', ''Trade and Development Agency'', ''International narcotics control'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the New Independent States of the Former Soviet Union'', [''Economic Support Fund'',] ''Peacekeeping operations'', ''Operating expenses of the Agency for International Development'', ''Operating expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation and Disarmament Fund'', ''Anti-terrorism assistance'', ''Foreign Military Financing Program'', ''International military education and training'', [''Inter-American Foundation'', ''African Development Foundation'',] ''Peace Corps'', *''Middle East Fund'' or* ''Migration and refugee assistance'', [or ''United States Emergency Refugee and Migration Assistance Fund'',] shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than [20] *10* per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for ''International Organizations and Programs'' shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1997.

ECONOMIC [SUPPORT FUND] ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for [the Economic Support Fund] *economic assistance* which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION [CONCERNING ABORTIONS] *ON FUNDING FOR ABORTIONS* AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a

method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion.*

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Dominican Republic, Guatemala, Haiti, [Indonesia,] Liberia, Nicaragua, Pakistan, Peru, [Russia,] Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for [Indonesia and] Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national *security* interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1995" and inserting in lieu thereof "1996".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended [subject to] *notwithstanding* section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 527. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527A. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to [Israel and] *Israel*, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 528A. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

[STINGERS IN THE PERSIAN GULF REGION

[SEC. 529. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.]

DEBT-FOR-DEVELOPMENT

SEC. 530. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance

provided under title II of this Act and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization.

[LOCATION OF STOCKPILES

[SEC. 531. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995." and inserting in lieu thereof "*$200,000,000 for stockpiles in Israel*, $40,000,000 for stockpiles in the Republic of Korea and $10,000,000 for stockpiles in Thailand for fiscal year 1996".]

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 531A. (a) COSTING BASIS.—Section 22 of the Arms Export Control Act (22 U.S.C. 2762) is amended by adding at the end the following:

"(d) COMPETITIVE PRICING.—Procurement contracts made in implementation of sales under this section for defense articles and defense services wholly paid for funds made available on a nonrepayable basis shall be priced on the same costing basis with regard to profit, overhead, independent research and development, bid and proposal, and other costing elements, as is applicable to procurements of like items purchased by the Department of Defense for its own use."

(b) EFFECTIVE DATE AND IMPLEMENTING REGULATIONS.—Section 22(d) of the Arms Export Control Act, as added by subsection (a)—

(1) shall take effect on the 60th day following the date of the enactment of this Act;

(2) shall be applicable only to contracts made in implementation of sales made after such effective date; and

(3) shall be implemented by revised procurement regulations, which shall be issued prior to such effective date.

STOCKPILES OF DEFENSE ARTICLES

SEC. 531B. (a) LIMITATION ON VALUE OF ADDITIONS.—Section 514(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(1)) is amended by inserting "or in the implementation of agreements with Israel" after "North Atlantic Treaty Organization".

(b) ADDITIONS IN FISCAL YEARS 1996 AND 1997.—Section 514(b)(2) of such Act (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

"(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for each of the fiscal years 1996 and 1997.

"(B) Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand.".

(c) LOCATION OF STOCKPILES OF DEFENSE AUTHORITIES.—Section 514(c) of such Act (22 U.S.C. 2321h(c)) is amended to read as follows:

"(c) LOCATION OF STOCKPILES OF DEFENSE ARTICLES.—

"(1) LIMITATION.—Except as provided in paragraph (2), no stockpile of defense articles may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to stockpiles of defense articles located in the Republic of Korea, Thailand, any country that is a member of the North Atlantic Treaty Organization, any country that is a major non-NATO ally, or any other country the President may designate. At least 15 days before designating a country pursuant to the last clause of the preceding sentence, the President shall notify the congressional committees specified in section 634A(a) in accordance with the procedures applicable to reprogramming notifications under that section.".

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. [(a) DENIAL OF ASSISTANCE.—] None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq, Serbia or Montenegro unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

[(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, Serbia, or Montenegro, as the case may

be and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

[(1) the importation of products of Iraq, Serbia, or Montenegro into its customs territory, and

[(2) the export of its products to Iraq, Serbia, or Montenegro, as the case may be.]

POW/MIA MILITARY DRAWDOWN

SEC. 535. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1996, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Vietnam, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 536. During fiscal year 1996, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 536A. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

CASH FLOW FINANCING

SEC. 537. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99-83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 538. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 539. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 540. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer, subject to prior notification of the Committees on Appropriations, to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1996: *Provided*, That the President certifies in a timely fashion to the Congress that the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

SEC. 540A. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) EXPANDED AUTHORITY.—Section 660(b) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (3), by striking "or";

(2) in paragraph (4), by striking the period at the end thereof and inserting "; or"; and

(3) adding the following new paragraph:

"(5) with respect to assistance, including training, relating to sanctions monitoring and enforcement.".

SPECIAL AUTHORITIES

SEC. 541. (a) Funds appropriated in title II of this Act that are made available for [Haiti,] Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, [displaced Burmese,] humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That the President shall terminate assistance to any country or organization that he determines is cooperating,

[tactically or strategically, with the Khmer Rouge in their military operations] *tactically or strategically, with the Khmer Rouge in their military operations, or which is cooperating commercially with the Khmer Rouge.*

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: *Provided,* That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1996, the President may use up to $40,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 542. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 543. (a) Of the funds appropriated [or otherwise made available by this Act for "Economic Support Fund",] *under the heading "Economic Assistance",* assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 544. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: *Provided,* That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1996, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under *titles I and II of* the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544A. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS *AND EARMARKS*

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 546. (a) The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1996 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

(b) The authority of section 516 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1996 to provide defense articles to Jordan[, except that the provision of such defense articles shall be subject to section 534 of this Act].

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 547. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress[: *Provided,* That none of the funds appropriated by this Act may be made available to carry out the provisions of section 316 of Public Law 96-533].

USE OF AMERICAN RESOURCES

SEC. 548. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 549. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 550. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 551. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request

any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 552. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 553. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 554. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103-236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 555. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1996 for programs under title [I] *IV* of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS

SEC. 556. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

NONLETHAL EXCESS DEFENSE ARTICLES

SEC. 557. Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1996, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to countries eligible to participate in the Partnership for Peace and to receive assistance under Public Law 101-179.

LANDMINES

SEC. 558. Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: *Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C., 2778 note) is amended by striking out "During the four-year period beginning on October 23, 1992" and inserting in lieu thereof "During the five-year period beginning on October 23, 1993"*.

[REPORT ON THE SALARIES AND BENEFITS OF THE IMF AND THE WORLD BANK

[SEC. 559. The Comptroller General shall submit a report to the Committees on Appropriations not later than November 1, 1995, on the following—

[(1) a review of the existing salaries and benefits of employees of the International Monetary Fund and the International Bank for Reconstruction and Development; and

[(2) a review of all benefits paid to dependents of Fund and Bank employees.

Such report shall include a comparison of the salaries and benefits paid to employees and dependents of the Fund and the Bank with salaries and benefits paid to employees holding comparable positions in the public and private sectors in member countries and in the international sector.]

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 560. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this [subsection] *restriction* shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 561. None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

[LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE

[SEC. 562. (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

[(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.]

NON-OVERTIME DIFFERENTIAL PAY

SEC. 562. Title 5 of the United States Code is amended by inserting the following:

(1) in section 5541(2)(xiv) after a "Foreign Service officer" ", except for a Foreign Service Officer who is a criminal investigator for the Agency for International Development, Office of Inspector General".

[REFERENCES TO AUTHORIZATION ACTS

[SEC. 563. The funds appropriated under the heading, "Child Survival and Disease Programs Fund" are provided pursuant to the

Foreign Assistance Act, as amended: under sections 103 through 106 (Development Assistance Fund), in the amount of $214,000,000; under part I, chapter 10 (Development Fund for Africa), in the amount of $131,000,000; under the provisions of section 498(6) (Assistance for the New Independent States of the Former Soviet Union), in the amount of $15,000,000; under the provisions of part I, chapter 1, section 104(c) of the Foreign Assistance Act and the Support for East European Democracy (SEED) Act of 1989, in the amount of $1,000,000; under provisions of chapter 4, part II (Economic Support Fund), in the amount of $23,000,000; under the provisions of section 301, in the amount of $100,000,000 as a contribution on a grant basis to the United Nation's Children's Fund (UNICEF): *Provided*, That funds derived from funds authorized under chapter 4, part II, shall be made available for projects meeting criteria set forth in part I section 104(c): *Provided further*, That funds appropriated under the heading "Child Survival and Disease Programs Fund" shall be in addition to amounts otherwise available for such purposes.

[PROHIBITION ON FUNDING FOR ABORTION

[SEC. 564. (a) IN GENERAL.—

[(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not now, and will not during the period for which the funds are made available, directly or through a subcontractor or sub-grantee, perform abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

[(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

[(b) LOBBYING ACTIVITIES.—

[(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not now, and will not during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

[(2) Paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

[(c) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.]

WITHHOLDING OF ASSISTANCE TO COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA

SEC. 565. *(a) WITHHOLDING.*—The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided on or after the date of the enactment of this Act by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(b) EXCEPTIONS.—The requirement of subsection (a) to withhold assistance shall not apply with respect to—

(1) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(2) democratic political reform and rule of law activities;

(3) the creation of private sector and nongovernmental organizations that are independent of government control;

(4) the development of a free market economic system; and

(5) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160).

(c) DEFINITION.—As used in subsection (a), the term "assistance" means assistance under the Foreign Assistance Act of 1961, credits, sales and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term "assistance" does not include humanitarian assistance, including disaster relief assistance.

[LIMITATION ON FUNDS FOR HAITI

[SEC. 566. Effective March 1, 1996, none of the funds appropriated in this Act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with the requirements of the 1987 Constitution of Haiti.

[PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

[SEC. 567. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

[(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

[LIMITATION ON ASSISTANCE TO TURKEY

[SEC. 568. Not more than $21,000,000 of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

[LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

[SEC. 569. No funds appropriated in this Act, under the heading "North American Development Bank" may be obligated or expended unless it is made known to the Federal entity or official to which funds are appropriated under this Act that the Government of Mexico has contributed a share of the paid-in portion of the capital stock for fiscal year 1996 equivalent to that appropriated by the United States.]

LIMITATION ON FUNDS FOR BURMA

SEC. 570. None of the funds made available in this Act may be used for International Narcotics Control or Crop Substitution Assistance for the Government of Burma.

ASIAN DEVELOPMENT BANK

SEC. 570A. The Secretary of the Treasury may, to fulfill commitments of the United States, subscribe to and make payment for shares of the Asian Development Bank in connection with the fourth general capital increase of the Bank. The amount authorized to be appropriated for paid-in shares of the Bank is limited to $66,614,647; the amount authorized to be appropriated for payment for callable shares of the Bank is limited to $3,264,178,021. The amount to be paid in respect of each subscription is authorized to be appropriated without fiscal year limitation. Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570B. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

[LIMITATION ON FUNDS FOR RUSSIA

[SEC. 571. Of the funds appropriated in this Act under the heading "Assistance for the

New Independent States of the Former Soviet Union", not more than $195,000,000 may be made available for Russia.

[LIMITATION ON ASSISTANCE TO MEXICO

[SEC. 572. IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

[(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico, as determined by the Director of the Office of National Drug Control Policy; and

[(2) the Government of Mexico—

[(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

[(B) is pursuing international anti-drug trafficking initiatives.

[HUMAN RIGHTS PROGRESS IN ETHIOPIA

[SEC. 573. The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1996 funds for Ethiopia appropriated in this Act.

[BASIC EDUCATION FOR CHILDREN

[Sec. 574. Not more than $108,000,000 under the Agency for International Development Children and Disease Programs Fund may be used for basic education for children.]

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 575. No funds may be made available under this Act to the Korean Peninsula Energy Development Organization (KEDO) unless the President determines and certifies in writing to the Committees on Appropriations that—

(a) in accordance with Provision I of the Framework Agreement, KEDO has concluded a supply contract with the Democratic People's Republic of Korea (DPRK) designating a Republic of Korea company, corporation or entity the prime contractor to carry out construction of the light water reactors provided for in the Framework Agreement; and

(b) the DPRK has complied with the obligations of Provision III of the Framework Agreement regarding North-South dialogue including within three months after the enactment of this Act: (1) eliminating North-South barriers to trade and investment; (2) removing North-South restrictions on travel, telecommunications services and financial transactions; and (3) implementing the December 13, 1991, Nonaggression Pact and the January 1, 1992, Joint Declaration for a Non-Nuclear Korean Peninsula.

DRAWDOWN AUTHORITY FOR JORDAN

SEC. 576. During fiscal year 1996, the President may direct, for the purposes of part II of the Foreign Assistance Act of 1961, the drawdown for Jordan of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of up to an aggregate of $100,000,000: Provided, That—

(a) within six months of the last drawdown under subsection (a), the President shall submit a report to the Committee on Appropriations identifying the articles, services, training or education provided;

(b) section 506(c) of the Foreign Assistance Act of 1961 shall apply to the drawdown authority in this section; and

(c) section 632(d) of the Foreign Assistance Act of 1961 shall not apply with respect to drawdowns under this section.

TITLE VI—MIDDLE EAST PEACE FACILITATION ACT OF 1995

SHORT TITLE

SEC. 601. This title may be cited as the "Middle East Peace Facilitation Act of 1995".

FINDINGS

SEC. 602. The Congress finds that—

(1) the Palestine Liberation Organization (hereafter the "P.L.O.") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the P.L.O. as the representative of the Palestinian people;

(3) Israel and the P.L.O. signed a Declaration of Principles on Interim Self-Government Arrangements (hereafter the "Declaration of Principles") on September 13, 1993 at the White House;

(4) Israel and the P.L.O. signed an Agreement on the Gaza Strip and the Jericho Area (hereafter the "Gaza-Jericho Agreement") on May 4, 1994 which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the P.L.O. signed an Agreement on Preparatory Transfer of Powers and Responsibilities (hereafter the "Early Empowerment Agreement") on August 29, 1994 which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the P.L.O.;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the P.L.O.'s renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the P.L.O., subject to Presidential certifications that the P.L.O. has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the P.L.O. commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the aforementioned authorities, has certified to the Congress on four occasions that the P.L.O. was abiding by its relevant commitments.

SENSE OF CONGRESS

SEC. 603. It is the sense of the Congress that although the P.L.O. has recently shown improvement in its efforts to fulfill its commitments, it must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular it must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to pre-empt acts of terror, to discipline violators and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel to acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

AUTHORITY TO SUSPEND CERTAIN PROVISIONS

SEC. 604. (a) IN GENERAL.—Subject to subsection (b), beginning on the date of enactment of this Act and for eighteen months thereafter, the President may suspend for a period of not more than 6 months at a time any provision of law specified in subsection (d). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATIONS.—Prior to each exercise of the authority provided in subsection (a) or certification pursuant to subsection (c), the President shall consult with the relevant congressional committees. The President may not exercise that authority or make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(A) it is in the national interest of the United States to exercise such authority;

(B) the P.L.O. continues to comply with all the commitments described in paragraph (4); and

(C) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103–236 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

(3) REQUIREMENT FOR CONTINUING P.L.O. COMPLIANCE.—

(A) The President shall ensure that P.L.O. performance is continuously monitored and if the President at any time determines that the P.L.O. has not continued to comply with all the commitments described in paragraph (4), he shall so notify the relevant congressional committees and any suspension under subsection (a) of a provision of law specified in subsection (d) shall cease to be effective.

(B) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the P.L.O.'s performance determines that the P.L.O. is not complying with the requirements described in subsection (c), he shall so notify the relevant congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by subsection (a) until such time as the President makes the certification provided for in subsection (c).

(4) P.L.O. COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3)(A) are the commitments made by the P.L.O.—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel; in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(i) recognize the right of the State of Israel to exist in peace and security;

(ii) accept United Nations Security Council Resolutions 242 and 338;

(iii) renounce the use of terrorism and other acts of violence;

(iv) assume responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestnian National Covenant eliminating calls for Israel's destruction, and

(B) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(i) prevention of acts of terrorism and legal measures against terrorists;

(ii) abstention from and prevention of incitement, including hostile propaganda;

(iii) operation of armed forces other than the Palestinian Police;

(iv) possession, manufacture, sale, acquisition or importation of weapons;

(v) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(vi) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(vii) cooperation with the government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(viii) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(5) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant Congressional Committees pursuant to paragraph (1), the President will report on—

(A) the manner in which the P.L.O. has complied with the commitments specified in paragraph (4), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(B) the extent to which the P.L.O. has fulfilled the requirements specified in subsection (c);

(C) actions that the P.L.O. has taken with regard to the Arab League boycott of Israel;

(D) the status and activities of the P.L.O. office in the United States; and

(E) the status of U.S. and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(c) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by subsection (a), unless and until the President determines and so certifies to the Congress that—

(1) if the Palestinian Council has been elected and assumed its responsibilities, it has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(2) the P.L.O. has exercised its authority resolutely to establish the necessary enforcement institutions; including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(3) the P.L.O. has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(4) the P.L.O. has not provided any financial or material assistance or training to any group, whether or not affiliated with the P.L.O., to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(5) the P.L.O. has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(6) the P.L.O. has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(d) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the P.L.O. or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, fiscal years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the P.L.O. or entities associated with it.

(3) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies on the granting to the P.L.O. of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this title, the term "relevant congressional committees" means—

(1) the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996".

Mr. McCONNELL. Madam President, let me just say at the outset of our discussion on the foreign operations bill this year, it appears at least to this point, based on information we have prior to taking up the bill, that this may be the least contentious foreign operations bill we have had in recent years. Obviously, that could change as the floor debate unfolds, but I think there is certainly clear potential to finish up this bill either late tonight or tomorrow in accordance with what the Republican leader hopes which, of course, would give us a greater chance of being out of here for a week the week after next.

In 1964, Henry Kissinger commented:

To rely on the efficacy of diplomacy may lead to disaster but to rely on power with insufficient means is suicide.

Madam President, today we take up consideration of the appropriations bill for foreign operations, export financing, and related programs, a bill that provides the means to maintain our role as the sole remaining superpower. Despite Dr. Kissinger's caution, it is also the bill everyone loves to hate.

Foreign operations, like every other subcommittee, has struggled to apportion the substantial reductions in discretionary spending imposed by the budget resolution process. Obviously, this is not an easy task, and foreign assistance should obviously not be spared the responsibility of making a contribution to balancing the budget.

However, unlike other appropriations bills, foreign assistance has steadily declined over the past decade, at a time when both new threats and opportunities have emerged. To address these needs has been a challenge for, unlike other accounts, the administration of foreign assistance is the exclusive responsibility of the Federal Government. This is not something that can be handed off to the States through a block grant. In fact, I think it could safely be said that this is the diplomacy account, the nonmilitary way to engage with other countries around the world, and that is uniquely a responsibility of the Federal Government.

The bill unanimously reported by the Appropriations Committee reflects a $2 billion reduction and is more than 16 percent below the President's request. The administration asked for $14.7 billion and the bill provides $12.3 billion. That is $2.3 billion out of roughly a $1.5 trillion budget. We have tried to balance the distribution of the reduction as fairly and evenly as we possibly could while protecting and promoting priorities I think most of us share.

It is clear foreign aid must be better connected to American interests or we will lose all public support and risk complete elimination of resources. Accordingly, we have emphasized those programs which directly serve our economic, security, political, and humanitarian interests. These range from continuing to support the peaceful transition to free market democracies in Central Europe and the NIS to expanding our international effort to combat crime and narcotics trafficking.

Madam President, let me briefly summarize each of the titles of the bill to give everyone a sense of how aid can serve our interests.

Title I funds export promotion activities. These programs have a direct—I repeat direct—impact on creating jobs and expanding export opportunities. They enjoy bipartisan support as well as the endorsement of a wide range of commercial and manufacturing interests including labor unions, Fortune 500 companies, and small businesses.

It is no wonder since estimates provided from the private sector as well as the administration suggest that 300,000 jobs and 40 percent of our economic growth are linked to export activities.

The committee has provided $795 million to the Export-Import Bank, slightly over the House and last year's level, but well below the needs as reflected in the request.

We have fully funded the OPIC request. Credit reforms laws require the bill to indicate the amount of basic subsidy which funds OPIC activities. However, it is worth pointing out that while we subsidize OPIC, the corporation is completely self-sufficient. While we provide $79 million in subsidy, OPIC is expected to generate over $200 million this year which is returned to the Treasury.

The third agency involved in export promotion is the Trade Development Agency which is funded at the House level of $40 million, a sizable cut from the request of $67 million. TDA's principal responsibility is conducting feasibility studies and while important, there is not as immediate and direct an impact on jobs and exports as with the sister agencies.

One of the most important initiatives the subcommittee included in the treatment of economic assistance is the construction of title II. We have consolidated a number of development and economic accounts into a $2.1 billion account with very few earmarks. Traditional earmarks for the following programs have been eliminated: the Economic Support Fund, development assistance, the Development Fund for Africa, child survival, basic education, the Africa Development Foundation, the Inter-American Foundation, and the Ireland Fund.

I am not suggesting that these activities will not be funded. All the necessary statutory authorities to conduct these programs are preserved. But, the bill gives the President the flexibility to make the decision on the levels and the administration of programs.

My preference would have been to simply provide a sum for the President to allocate in accordance with emerging priorities. However, the ranking member, along with other members, expressed the concern that one account might bear the entire burden of the overall reduction.

To accommodate this concern, we have included language that requires a proportional distribution of the reduction. This means that accounts such as development assistance and the Development Fund for Africa will be smaller than last year, but they will each have approximately the same share of overall resources available this year as they have in the past.

Since this is not an absolute mathematical formula, some flexibility is maintained. And, so far, we have avoided the detailed micromanagement of specific activities which must be carried out within the broader accounts. We have avoided the inclination of past years to direct funding levels for community colleges, museums and other special interest projects.

Obviously, the Senate can decide to divide up the economic assistance account affording no flexibility at all to the President. I am not opposed to considering earmarks or recommendations on spending priorities, but I would urge each Member to carefully consider the impact of beginning to further carve up this small pie.

In addition to this broad category of economic aid, we have funded programs in the Middle East, Central Europe, and the NIS—regions I think most view as central to our security interests. We have fully funded the Camp David countries and included, once again, an earmark for resettling refugees in Israel.

The bill provides $335 million to support programs in Central Europe and $705 million for the New Independent States. Within the NIS account I have earmarked the following: $17.1 million for the FBI for law enforcement training and investigations. With 5,000 organized criminal enterprises expanding their activities into nuclear smuggling and areas of operations to our shores, our security interests compel an active role for the FBI in the region.

Thirty million dollars is earmarked for Georgia, where democracy is truly under siege.

Eighty-five million dollars is earmarked for Armenia to mitigate the severity of the economic consequences of the war and the blockade. Armenia has carried out important political and economic reforms in the past year but continues to need assistance to complete the transition.

Another country that I have had a longstanding interest in, going back to the dissolution of the Soviet Union: $225 million is earmarked for Ukraine with subearmarks to address the urgent priorities of strengthening the private sector and developing energy self-sufficiency. Although the administration has come around to the view that Ukraine has a uniquely important role to play in regional stability, levels of aid and the kinds of activities AID have been willing to undertake lag far behind requirements.

The sum of $15 million is set aside for a Trans-caucasus Enterprise Fund, which will complete congressional plans to have each region benefit from this innovative aid approach.

The NIS section also preserves the option of transferring resources to the Peace Corps to sustain their very successful efforts. Overall, the Peace Corps is spared the 16 percent reduction imposed on other programs and is cut roughly 8.5 percent to $200 million.

I might say that the occupant of the chair is, of course, a former director of the Peace Corps and has been an aggressive advocate for the Peace Corps and its programs. He has certainly made his views known to me as I worked to put together the chairman's mark.

Although this is a popular program I cannot understand why we need 149 volunteers in the Dominican Republic. In Africa, we saw an 18 percent increase from 1994 to 1995, bringing the number of volunteers up to 2,442. Unfortunately, the days of expanding programs are over.

Title II also funds our international efforts to combat crime, terrorism and narcotics trafficking. As I mentioned earlier, I think these are issues which every American understands has a direct impact on our Nation's interests. In restoring public confidence that our aid serves our interests, the committee has increased support for these activities.

Finally title II provides $490 million in operating expenses for AID. Each committee which has reported legislation on AID has recommended different levels of support. My recommendation is based on a recent GAO study which indicated the House authorization and appropriations levels would not be adequate to cover the cost associated with RIF's, closing missions and other measures to streamline AID's programs.

According to the GAO, $490 million will require significant actions on AID's part to eliminate program duplication, close overseas missions, cut personnel and otherwise accelerate streamlining and consolidation. But, let me be clear. This level will not compel consolidation.

Although I have supported the two attempts to pass legislation to carry out consolidation of AID and the State Department, the Administration has indicated it will veto any legislation which forces the reorganization of the executive branch without its consent. Given this unresolved situation, it did not seem appropriate for the Foreign Operations Subcommittee to move ahead of the authorization committee and include in a spending bill reorganization or activities not directed by law in legislation.

The rest of the news about the bill is bleak. Title III, security assistance is below the House level and the request. I think this is unfortunate, but a direct function of the budget reality.

Title III does provide authority to transfer funds from the European and NIS accounts to support the Warsaw Initiative. I think there is strong bipartisan support for accelerating the integration of former Warsaw Pact members into NATO through joint exercises and training and improving military interoperability. The transfer authority provided should relieve some of the pressure on the security assistance account.

Finally, title IV, the multilateral programs, are the hardest hit of all accounts. With three exceptions, the World Bank, International Finance Corporation, and the Inter-American Development Bank, we have not been

able to fund existing commitments. Just one example tells the story. The request for IDA is $1.3 billion of which we only funded $775 million.

International organizations and programs were also drastically reduced from the request of $425 million to $260 million. Frankly, this is an account which has as many strong supporters as it does vocal detractors. There are some clear examples of international agencies which have effectively served international interests, such as the International Atomic Energy Agency. But, there are just as many with sloppy management, guilty of waste, fraud, and abuses. The committee has not earmarked levels of support for programs within IO and P with the view that contributions will offer the administration the opportunity to leverage management reforms. No agency is exempt from the urgency of reform and I include one of our collective favorites, UNICEF, in that category.

Let me now turn to Senator LEAHY for his comments. I would like to point out that the report takes note of the ranking member's dedicated service to victims of landmines by establishing the Patrick J. Leahy War Victims Fund. This was a program established several years ago to aid the recovery and rehabilitation of the thousands of people injured by antipersonnel mines. Senator LEAHY deserves special recognition for his effort in this area which the committee acknowledged by renaming the program in his honor.

Let me also say it has been a pleasure to work with my colleague from Vermont. Before I turn to him, let me mention one other item.

I think, Mr. President, Members of the Senate would be interested that earlier today the Central and East European Coalition held a press conference urging quick passage of this legislation. This coalition, comprising 18 grassroots organizations representing 22 million Americans, strongly support this legislation.

I want to emphasize that because I think it is frequently thought by many that nobody in America gives a hoot about foreign assistance. In fact, there are many Americans who came from somewhere else, or their ancestors did, who care deeply about this part of the Federal budget.

The Central and Eastern European Coalition represents 18 of those groups. They are very active in promoting better relations, strengthened relations between the United States and the various countries from which they come.

Mr. President, before turning the floor over to Senator LEAHY for his opening comments, I ask unanimous consent that the statements of the coalition be printed in the RECORD at this point and I yield the floor.

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

COALITION URGES GREATER U.S. FOCUS ON CENTRAL AND EAST EUROPE

(Statement by Eugene Iwanciw, Washington Office Director; Ukrainian Association, Inc.)

The Central and East European Coalition (CEEC), comprising 18 national grassroots organizations representing 22 million Americans who trace their heritage to that part of the world, applauds Chairman Mitch McConnell (R-KY) for his leadership in drafting a foreign assistance bill which provides much needed support for the countries of Central and East Europe. We are particularly pleased that the Senator and the Committee have focused additional attention on the non-Russian nations of the former Soviet Union, particularly Ukraine and Armenia.

The Coalition strongly believes that the long-term national security and budget interests of the United States require a strong commitment to the transition of Central and East European countries to fully democratic and free market nations. That commitment requires an active U.S. engagement in that part of the world.

The Central and East European Coalition believes that peace, stability, and democracy throughout Europe serve the national security interests of the United States. In this century, the United States was called upon to fight two world wars and a 45-year cold war—conflicts which emanated from the heart of Europe—in the furtherance of those vital geopolitical interests. The institutionalization of democracy and market economies in Central and East Europe is the best means of guaranteeing that there will be no further European conflicts which will entangle the United States. We believe that with the collapse of communism and the Soviet Union, the objectives of peace, stability, and democracy in Europe are achievable. For those objectives to be achieved, however, requires the continued engagement, support, and assistance of the United States and the West.

Since the signing of the Camp David Accords, the United States has wisely supported the peace process in the Middle East. That long-term commitment is now paying dividends with increased stability throughout that region of the world. Similarly, the strengthening of democracy and market economies in the countries of Central and East Europe will require a long-term commitment by the United States. Forty-five to seventy-five years of communist oppression and tyranny cannot be eradicated overnight.

Continued United States engagement in Central and East Europe must take various forms. The most visible is our foreign assistance. While we had hoped that the Administration's overall funding levels would be accepted by the Congress, we were particularly distressed by the severe cuts that House of Representatives made in the programs for Central and East Europe, particularly in the Freedom Support Act (FSA). We commend the Senate Subcommittee on Foreign Operations, under Chairman McConnell's leadership, for restoring many of those cuts and we urge the Senate to adopt the levels of funding for FSA and SEED contained in the bill as reported from the Appropriations Committee. We especially applaud the attention which Senator McConnell and the Committee have given to the non-Russian nations considered part of the New Independent States (NIS). For the past three years, the bulk of assistance to the NIS went to Russia. This bill provides U.S. policy with the balance it should have in our dealings with the nations of Central and East Europe.

Secondly, our engagement demands involvement in the security issues of the region. We believe that the general stability and security of the region can best be accomplished through the expansion of NATO to include all the nations of the region who desire to join the alliance and meet the criteria for membership. For that reason, we strongly support the funding for the Warsaw Initiative and the NATO Participation amendment which Senator Hank Brown (R-CO) will offer during floor consideration of the Foreign Assistance Appropriations Act.

Thirdly, we believe that the U.S. assistance should focus on those countries which have demonstrated progress in the establishment of democratic institutions and market reforms as well as respect for basic human rights. That criteria must also include a commitment not to hinder international humanitarian relief efforts. For that reason, we endorse the Humanitarian Corridor Act which Senate Majority Leader Robert Dole (R-KS) will offer as an amendment to the Appropriations Act during Senate floor consideration. This amendment would suspend assistance to any country which hinders U.S. humanitarian relief efforts to a third country.

Fourthly, as U.S. assistance to this important part of the world is unfortunately reduced, it is vital that the U.S. Agency for International Development (USAID) maximize the impact of every dollar of assistance. For far too long we have heard about waste, inefficiencies, and fraud in these programs. It is time to take the Beltway Bandits off the public dole and to work through organizations with both an understanding of the region and a demonstrated, long-term commitment to the establishment of democratic and free market institutions in the countries of Central and East Europe. In the six years since the Berlin Wall came down, USAID has been unable to institute these reforms so we call upon the Congress to take the initiative in reforming the delivery of U.S. foreign assistance.

Finally, an aspect of our engagement in Central and East Europe involves the flow of information and ideas to the peoples of Central and East Europe. For five decades, the United States has provided the peoples of this region with timely and accurate information through the Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL). These programs are as vital today as they were during the communist period. Democracy is still in its infancy in most, if not all, of the nations of Central and East Europe. Few, if any, of these countries have a firmly-established independent media, particularly electronic media. Today, VOA and RFE/RL are playing critical roles in the establishment of democracy throughout the region. Last year the Congress enacted legislation which brings better coordination to the work of the two broadcasting services. This has resulted in substantial savings in the FY 1996 budget. It would, however, be a major mistake to reduce the budget of the broadcasting services below the levels currently in the Commerce, Justice, State, and Judiciary Appropriations Act and the Coalition strongly opposes any such effort.

The United States spent hundreds of billions of dollars to win the Cold War. It would be tragic were the United States to lose the peace through short-sighted policies and illusionary budgetary savings. An investment in democracy building today will pay dividends through long-term security and reduced military expenditures for the United States.

In conclusion, the Central and East European Coalition urges the Senate to approve

the Foreign Assistance Appropriations Act with the Committee approved spending levels for FSA and SEED, to adopt the NATO Participation and Humanitarian Corridors amendments, to oppose any efforts to reduce funding for VOA and RFE/RL in the Commerce-Justice Appropriations Act, and to begin reforming USAID to insure that our foreign assistance is used effectively and efficiently. We especially urge the House conferees to accept these provisions during the House-Senate conference on the bills.

COALITION URGES RAPID EXPANSION OF NATO

(Statement by Frank Koszorus, Jr., Member of the Executive Committee; Hungarian American Coalition)

The Central and East European Coalition applauds the leadership of Senator Hank Brown (R-Col.) who, along with strong bipartisan support, will offer the NATO Participation amendment to the Foreign Assistance Appropriations Act. Senator Brown's Amendment will establish a process to facilitate the expansion of NATO in a manner that will advance vital U.S. geopolitical interests in Europe and preserve its leadership role in the world.

The Coalition is concerned with the glacial pace of NATO's expansion. The collapse of the Soviet Union has left a dangerous security vacuum in Central and Eastern Europe. That region must be rapidly reintegrated with the West to provide it with a sense of security and to shore up the new democracies. Rapid expansion of NATO to include countries which are committed to the concepts of democracy, market economies, civilian control of the military and human and minority rights would serve this objective as well as the foreign policy interests of the United States by ensuring Europe's overall stability.

The United States cannot afford to turn its attention away from the Central and Eastern European countries. Success in their transition to pluralism and democracy will validate the many sacrifices we made to win the Cold War. Failure will ensure a new world order far less congenial to our interests.

The adverse consequences of our withdrawal from Europe at critical times in the past fill history books. Had we reacted firmly to the turmoil threatening peace in Europe prior to the First and Second World Wars, many American lives and resources would have been spared. Similarly, the Cold War would have been far less expensive and dangerous had we not pulled back from the heart of Europe and had we resisted domestic pressure to "bring the boys home" before the European political order had been settled. As George F. Kennan wrote in 1950, "history does not forgive us our national mistakes because they are explicable in terms of domestic policies."

Today, we must not permit Central and East Europe to languish in a security vacuum. Russian interests are not threatened by the expansion of a defensive alliance. Moreover, stability and economic growth on the Western borders of Russia can only benefit Moscow.

Russia should not be isolated and mechanisms, such as a treaty between NATO and Russia, would dispel any lingering concerns Moscow may entertain about an enlarged NATO. Russia, however, should under no circumstances be permitted to veto NATO's enlargement. Western appeasement and indecisiveness will encourage Russian nationalists to assert expansionist tendencies and cause the U.S. and the West to lose credibility. Russia itself is in a fluid state with voices of nascent imperialism being heard with greater frequency. Yeltsin's harsh outburst in Budapest last year and his even more disquieting threats following NATO's bombing missions in Bosnia, vividly demonstrate the perils of procrastination.

Continued Western hesitation in expanding NATO would redraw the lines imposed by Stalin and signal Russian imperialists that they, in fact, enjoy a "sphere of influence" in Central and Eastern Europe. This ill-advised policy would be contrary to U.S. geopolitical interests in a stable, secure, unified, and democratic Europe.

Having won the Cold War, the United States should not prematurely retreat from the challenges posed by Central and Eastern Europe, if only to avoid being drawn back into exacerbated controversies. Expansion of NATO to include countries which desire to join the alliance and meet the criteria of NATO membership is an inexpensive yet vital insurance policy for the United States.

Senator Brown's amendment is a welcome first step in this direction. It must be followed by concrete steps, eligibility lists, criteria, and unambiguous timetables in 1996. As we approach the 21st Century, we simply cannot afford to squander a historic opportunity to safeguard peace and democracy.

COALITION URGES SENATE PASSAGE OF THE HUMANITARIAN AID CORRIDOR ACT

(Statement by Timothy Jemal, Director of Congressional Relations, Armenian Assembly of America)

First, we want to compliment Chairman McConnell for his leadership in drafting a bill that gives prominent support to the states of Central and Eastern Europe. We are particularly pleased that Senator McConnell and the committee are strengthening U.S. support for the non-Russian New Independent States (NIS), in spite of an overall reduction in funding. This redirection in resources will make a tangible and permanent contribution to the bold reforms taking place in such countries as Armenia and Ukraine. In spite of this overall shift, U.S. aid to the states of Central and Eastern Europe continues to be reduced, requiring maximum efficiency in the use of U.S. foreign assistance. It is this objective that is embraced in legislation supported by our Coalition and rapidly moving towards enactment.

Senate Majority Leader Bob Dole (R-KS), Senator Paul Simon (D-IL), along with a bipartisan group of Senators including Chairman McConnell, will offer the humanitarian Aid Corridor Act (S. 230) on the Senate floor as a amendment to the Foreign Operations Appropriations bill (H.R. 1868). The 18 member organizations of the Central and East European Coalition strongly urge the Senate to take quick, decisive action—in support of the Dole/Simon amendment. This legislation espouses the fundamental principle that the United States should not provide assistance to any country which deliberately prevents the transport of American humanitarian assistance through its borders. The U.S. cannot expect to meet the need for budget austerity and achieve important foreign policy goals without the cooperation of our allies.

The relevant committees in the Senate and the House have fully debated the bill and expressed clear, bipartisan support. On May 12, the House International Relations Committee approved the Corridor Act by a 27-7 vote. On June 7, the same bill was again approved by the Senate Foreign Relations Committee in a convincing 14-4 vote. To illustrate the genuine bipartisan nature of the bill, it was California Senator Dianne Feinstein who successfully offered Senator Dole's bill as an amendment before the Foreign Relations Committee. In addition, the Democrats on the Foreign Relations Committee voted unanimously for the Corridor Act. For the third time, the provision was approved by the House Foreign Operations Subcommittee on June 8, and retained in H.R. 1868 when it passed the House by a 333-89 vote.

Currently, the countries of Central and Eastern Europe are undergoing radical political and economic reforms to institutionalize democracy and free markets. The success of these reform programs will bring peace, security and stability to the region. The Coalition will continue to work toward securing the integration of our ancestral homelands into the western political, economic and defense structures. We oppose any obstacle or impediment to furthering this integration process and especially deplore the use of inhumane methods to prevent any nation of Central and Eastern Europe from having access to U.S. humanitarian aid. It simply does not make sense that the United States should provide aid to one nation which in turn denies U.S. humanitarian assistance to another state. We are firmly united in our view that U.S. assistance should be delivered in the most humane, cost-effective, fiscally responsible manner. This cannot be achieved when borders are closed to thwart U.S. assistance to people in need.

Senator Dole's amendment does not single out or exempt any country. All recipients of U.S. assistance will be held to the same standard, including such countries as Turkey, which has imposed an illegal and immoral blockade on Armenia since April of 1993. This blockade has resulted in slowing delivery of U.S. aid shipments while skyrocketing the transportation costs. Most importantly, the blockade has often precluded the safe delivery of vitally needed U.S. humanitarian assistance.

The Coalition believes that it is unconscionable for any recipient of U.S. aid to use the denial of food, medicines and other essential humanitarian needs as a political weapon. The United States should demand that its allies maintain a simple, humane policy that allows U.S. assistance to flow through open corridors. As taxpayers, we are rightfully indignant that the U.S. government would provide hundreds of millions of dollars to a country denying aid to suffering people. There is no more cruel and cynical policy than a government directive to block humanitarian assistance to the most vulnerable people for political or strategic ends. That any recipient of U.S. aid would do so is unacceptable to this Coalition.

We applaud Senators Dole and Simon for their leadership on this issue. The amendment is truly bipartisan, and a necessary element in strengthening American credibility abroad.

COALITION URGES REFORM OF U.S.A.I.D.

(Statement by Avo E. Ora, Director of Public Relations, Joint Baltic American National Committee)

Today, the Central and East European Coalition is united not only in our support for increasing foreign aid funding, we are also united in our demands for the effective use of these resources. Increased funding will not advance our national security interests nor Central and East European development if the funds continue to be wasted on short-term, less-than-efficient programs.

The end of the Cold War provided the US with the opportunity to reshape Europe as the Marshall plan reshaped war-ravaged Europe in 1947. America's present policy goals

are similar to the goals outlined under the plan—we seek to facilitate and secure democratic and economic gains in post-Soviet nations, resulting in a stable and secure Europe.

Unfortunately, the US Agency for International Development did not seize this opportunity and conducted business as usual. Grants have generally shifted from Central America to Central Europe but continued to be implemented by generic developmental, fee-for-service contractors who generally lack interest, knowledge and long-term commitment to the region. Although some long-term, goal-specific USAID programs were successfully implemented, they were more an exception than the norm. The result is a characterization of US assistance as wasteful by Congress, the targeted states, and most damaging of all, by the American people.

How can we increase the sustainable development and effectiveness of foreign aid? The answer lies in our recommendations for the use of Region Specific Organizations in aid implementation and a more open and accountable grant procedure. These suggestions evolved from our efforts to guarantee the efficient and wise use of US taxypayer dollars.

Our first recommendation is the use of organizations that have historic ties and long-term commitments to the countries of Central Europe and the New Independent States. These Region Specific Organizations, including many in our ethnic communities, have high standards of professionalism, an intimate knowledge of the political, economic and social conditions in a given country, and language capabilities which others lack.

Our second recommendation calls for the public disclosure of specific tasks, goals, and funding levels of USAID contracts, insuring an open and fair process for awarding contracts and grants, and simplifying the contracting process to facilitate smaller Region Specific organizations. Recently, USAID's lack of planning and commitment became apparent when USAID attempted to unilaterally reduce funding for Armenia in fiscal year 1996. In addition, USAID failed to submit a strategy paper for public comment. We strongly recommend that USAID country strategy papers be subject to comment by the NGO and PVO community.

The Coalition contrasts the wasteful, region-wide spending practices of USAID, with the country specific contracting processes of the National Endowment for Democracy and the US Information Agency which result in much greater, quicker and more effective assistance to these countries. Moreover, these smaller agencies which have had and will continue to have a long-term commitment to democracy and free market reform in the region, have contracting processes which are "user friendly" to RSO's, such as those represented by the coalition.

Aid for Central Europe and the New Independent States were designed to be temporary. This finite time frame for assistance only increases our desire for effective programs. Estonia is already slated for USAID "graduation" in 1996—other nations are on the chopping bloc for 1997. While we agree that US assistance should promote self-sufficiency and not dependency, this goal is not being pursued by government programs before or after "graduation". Estonia, for example, called for "trade, not aid" but now finds itself locked out of scientific and technical exchanges that would facilitate economic development.

The United States has long-term strategic interests and needs in the region of Central and East Europe. Thus, it is vitally important that all US assistance programs be designed and implemented in such a fashion as to further those strategic interests and needs. We echo the calls to reform foreign aid made by Chairman McConnell and his Committee. After three years of the Administration's failure to address these problems, the Coalition calls on Congress to take the lead in a top-to-bottom reform of USAID.

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

Mr. LEAHY. I yield to the Senator from Arkansas who wishes to make a unanimous-consent request.

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

HELEN McLARTY

Mr. PRYOR. Mr. President, I would like my colleagues to know at this time that over the weekend the mother of our friend Mack McLarty, who is the former White House Chief of Staff and who is the special counsel to the President—Mack McLarty's mother, Helen McLarty, lost a long battle with cancer over the weekend. She was a wonderful woman, a great citizen of our State.

I had the privilege, when I was Governor of our State, of naming Helen McLarty to become the first female member of the Arkansas Industrial Development Commission. She served with honor and with distinction. She will be missed by all, and her legacy will last for a long time—remembering this wonderful woman of great spirit, from Hope, AR.

The services for Helen McLarty will be this afternoon at 2 o'clock in Hope, AR., at the First Presbyterian Church. I am honored to have been asked by the family to participate in those final services for Helen McLarty.

LEAVE OF ABSENCE

Mr. PRYOR. Therefore, pursuant to rule VI of the Senate, I ask unanimous consent that I might be excused from further business of the Senate on this day.

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

Mr. PRYOR. Mr. President, I thank the Chair and yield the floor.

I thank my very good friend, Senator LEAHY, from Vermont.

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

Mr. LEAHY. Mr. President, I applaud the distinguished Senator from Arkansas for his comments about our good friend's mother. I know, also, the trip he takes to Arkansas is not one of joy. But we wish him Godspeed on his trip, and safe home.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I compliment Senator McCONNELL for the job he has done in putting this bill together. Having served for 6 years as chairman of the Foreign Operations Subcommittee, and maybe for a dozen or more years before that as a member of the committee, I know how difficult it is to put this bill together. He and I, and our staffs, have worked closely on this. I think we have the makings of a bill the President can sign.

We have a time, as we know, when many of our fellow Senators, both Republicans and Democrats, favor cutting foreign aid even further than it has already been cut in recent years. Senator McCONNELL has defended the need for foreign aid to protect U.S. interests around the world. I joined him in that. But, despite efforts by both of us to obtain a higher budget allocation for foreign operations, foreign operations which, like defense, is uniquely the responsibility of a Federal Government, our budget has been slashed. Today we see the consequences.

This bill represents nearly a $1.2 billion cut below the fiscal 1995 level; a $2.4 billion cut below the President's fiscal year 1996 request.

Had I written this bill this year I might have done some things differently. But neither Senator McCONNELL nor I could have avoided serious damage because the money simply is not there. We ought to stop, and think, as a country. If we continue down this path in a very few years the United States, which today is the only superpower in the world, will have no money to carry out foreign policy other than to fight wars. We do not have the kind of money to stop a problem from happening. Yet we can come in with billions after the problem occurs, to fight a war.

There is not going to be money for peacekeeping, none for supporting economic development in countries that hold great promise for American exports. The jobs that we create here in the United States, preparing items for exports—those exports are going more to the developing world than to the developed world. Our increase in exports is to the developing world but we are not going to have money to support economic development of those parts of the world.

We will end up abandoning the World Bank, the United Nations. Then we will stand back and watch Japan and our other allies fill the void. And they will, because they are anxious to do so, because they know the long-term economic and political benefits are enormous.

We would be terribly shortsighted now, at the end of the cold war, when

the United States stands as the economic and military giant of the world, if we just gave away our preeminence by nickel and diming the programs that might sustain it.

I do want to mention a couple of provisions of the bill which I believe stand between us and the President's signature. I have heard from several Senators about these provisions, including the ranking member of the Appropriations Committee, Senator BYRD, who mentioned them at the committee markup.

One is the provision relating to Korea. I am sympathetic to the chairman's goals, but I am told by the administration as a practical matter this would prevent the United States from contributing to KEDO. If we want this bill to get signed, we are going to have to substantially modify this provision. I am told our staffs are already making progress on them.

Another is the provision which would cut off all aid to Russia if it proceeds to the sale of nuclear equipment to Iran. On the merits, I am in complete agreement with this. I think of Iran as a pariah nation fostering terrorism, showing complete disregard for human rights, and certainly unwilling to carry out its obligations as a member of the world community. But I also want to be sure that either here or in conference we modify this provision so we do not jeopardize a program very much in our national interest.

And, finally, I note that the subcommittee voted 8 to 5 for my amendment to strike restrictive House language on funding for international population programs. I have to assume there is going to be an amendment to restore that language here on the floor, but I emphasize this bill continues the prohibition of funding for abortion that we have had for years. It also prohibits the use of any United States funds in China. Further restrictions along the lines of what the House has proposed could invite a veto.

Now, this bill should not take a lot of the Senate's time unless people want to make debating points rather than policy points. We have already had an opportunity to debate the State Department authorization bill when many of the foreign policy issues were discussed. There is no reason to repeat that episode in this bill. I hope that we will dispose of any amendments and dispose of them quickly if amendments come up that basically just ask us to retrod the ground we have already walked on in this session.

As I said, I will put a longer statement in the RECORD, but I do want to say how much I appreciate the bipartisan way Senator MCCONNELL and his staff approached this process. I think it bodes well to get this on to the President's desk.

Mr. President, despite Senator MCCONNELL's and my best efforts, this bill poses major challenges for the United States as the world's only superpower. At a time when the global threats to our security are too numerous to mention, funding to combat those threats is increased in only one area, export assistance, and even there it falls short of the President's request.

In other areas it makes unprecedented cuts in programs that seek to fight poverty, promote economic growth, reduce population growth rates, stop the spread of infectious diseases, care for growing numbers of destitute refugees, combat ocean pollution, the destruction of biodiversity and other environmental degradation, deter the proliferation of conventional and nuclear weapons, and countless other problems that directly threaten every American.

Again, this is despite the considerable efforts Senator MCCONNELL and I have made to spread the pain that the cuts in our allocation required.

Let me mention some specific programs, and what we have done.

For the first time, the bill consolidates all development assistance and non-Middle East economic support funds. This means, for example, that the Development Fund for Africa no longer exists in this bill as a separate account, and neither does population. There are no longer separate appropriations for the Inter-American Foundation or the African Development Foundation.

Frankly, this concerns me. The Development Fund for Africa has existed for almost a decade, and a population account since 1967. The DFA was created, in large part, to protect this extraordinarily vulnerable, poorest region in the world, and it has served its purpose well. We need to be sure that whatever we end up with in conference adequately protects Africa in the future.

Having said that, in order to minimize the possibility that any of these accounts or programs are disproportionately hurt when cuts are made, at my request Senator MCCONNELL agreed to include a provision that requires that the cuts be made on a proportional basis, reflecting each program's current percentage of the fiscal year 1995 level of funding for these combined accounts. Therefore, if in fiscal year 1995 the Development Fund for Africa received 15 percent of the total appropriation for these combined accounts, then Africa will receive 15 percent of the total appropriation for these accounts in fiscal year 1996. Again, I know some people have concerns that we should preserve the DFA intact, and we will revisit this issue in conference.

I know the same is said of the population account, and there are strong desires in both the House and Senate to maintain current levels of funding for child survival and microenterprise lending programs. As a longtime supporter of these programs I completely sympathize, but people need to recognize that we cannot do everything we once did and at the same time cut $1.2 billion from this bill. I believe our first aim should be to ensure that each program is treated as fairly as possible when cuts are made.

I want to note my concern about two other aspects of the consolidation approach. First, I do not believe it is wise to include ESF in the new economic assistance account. Interestingly, neither the State Department nor AID is happy with this approach. The danger I see is that funds that have been traditionally used for development programs will be increasingly tapped for ESF-type activities. I think it is predictable that, particularly in emergency situations, the State Department's concern for addressing short-term political crises will take precedence over long-term development goals.

I am also concerned about the fate of the IAF and ADF. While I recognize that budget constraints force us to make difficult choices, I want to know what the practical effect will be of leaving it up to AID to channel fund to these organizations.

There is a somewhat similar proportionality provision with respect to the international organizations and programs account, which is cut severely in this bill from $374 million in fiscal year 1995 to $260 million in fiscal year 1996. The provision requires that funding for several named organizations shall not be reduced below their proportional share of the current level of funding for the IOP account. My strong hope is that in the conference we can increase funding for these programs so we can maintain our leadership in them, especially those that are headed by Americans.

The multilateral development banks were also cut deeply. Although our contributions to these institutions reflect pledges we made in the context of international negotiations, we have not lived up to those commitments. I am very concerned that this year we add hundreds of millions of dollars in arrears to the hundreds of millions of dollars in arrears we have already accumulated. My amendment in the subcommittee markup to add another $200 million for the International Development Association, $20 million for the Global Environment Facility, and $20 million for the Inter-American Development Bank's Fund for Special Operations, was accepted by Senator MCCONNELL. However, this still falls far short of our commitments to the first two of these institutions, which directly support U.S. economic and environmental interests.

I was disappointed that we were unable to provide a contribution to the North American Development Bank which will provide funding to address acute environmental problems along

the Mexico-United States border. However, I am hopeful that some of the funding in this bill for the Multilateral Investment Fund, which has a large pipeline and at the current rate of disbursement is projected to have reserves in excess of $150 million by the end of fiscal year 1996, can be transferred to the NAD Bank.

I was disappointed that we were not able to match the House level for international disaster assistance, but I do want to credit Senator MCCONNELL for providing a modest increase above the current level. Nevertheless, I am informed that the House level is needed in order to avoid serious damage to the humanitarian program in northern Iraq, so this will be an issue for the conference.

Senator MCCONNELL has substantially increased funding for international narcotics programs. This is one area where I would have preferred the House level. I am not convinced that these programs are cost-effective, and there are too many other programs in this bill that desperately need these additional funds.

I want to mention several policy issues, besides the three I mentioned earlier, that concern me.

One is the conspicuous lack of any reference to Indonesia in this bill. This concerns me because of the continuing human rights problems in Indonesia and East Timor. The Congress had included restrictions on funding for Indonesia on human rights grounds in the past several years, and I do not believe the situation there warrants a relaxation of those restrictions.

Another policy issue that concerns me is assistance to Turkey. The House imposed a ceiling on ESF for Turkey, due to concerns about the Turkish Government's treatment of the Kurdish minority in that country. Despite my own concerns about the rights of the Kurds, I do not believe this is a wise approach. I believe we have a strong interest in supporting economic development in turkey, which is an important and valued member of NATO. However, I may offer an amendment which I believe would more directly address concerns about human rights and the situation facing the Kurds. I also included language in the committee report which requests the administration to submit a report on the efforts of the Turkish and United States Governments to monitor the use of United States-origin military equipment by the Turkish Armed Forces. Specifically, this report should address the use of U.S. military aircraft which, according to the State Department's own reports, has been used to strafe and destroy Kurdish villages. I and others want to know what efforts are being made to reduce the use of these aircraft against civilians or targets occupied by civilians.

Another provision I support is the prohibition on assistance to any government or organization which cooperates commercially with the Khmer Rouge. The reasons for this provision are discussed in the committee report, but very briefly, it was included on account of the considerable evidence that Thai military personnel are routinely engaged in facilitating the export from Cambodia of valuable timber by the Khmer Rouge. These sales have provided the Khmer Rouge with a steady source of income to continue their murderous campaign against the Cambodian Government and the Cambodian people. This provision is intended to encourage the Thai Government to take steps to deter this cooperation.

Several other provisions deserve mention. The bill includes an 18 month extension of the Middle East Peace Facilitation Act, which enables funding to continue for the Palestinians. It also includes authority requested by the administration for the drawdown of up to $100 million in military equipment for Jordan. As in the past, there are earmarks for the Camp David countries, as well as Cyprus.

Last but not least, I want to mention Ireland. For the past decade, the United States has generously contributed to the International Fund for Ireland. August 31 was the one year anniversary of the IRA ceasefire, and the House bill provides $19.6 million for the IFI. Although the Senate bill does not contain an earmark for the IFI, I believe it is very important that the Congress support this program during this pivotal year. While trade and investment will be the engine that propels the economies of Ireland and Northern Ireland, the IFI remains an important source of funding during this critical transition period.

Mr. President, again, there are aspects of this bill that I do not agree with. There are programs that I would prefer to see receive a larger portion of the funds. However, I believe that on the whole it reflects a reasonable balance between Senator MCCONNELL's and my priorities. Funding for foreign assistance has been falling since the mid-1980's and future budget projections do not bode well for these programs. The Congress needs to recognize that the reality is that this is not simply foreign assistance. The funds in this bill directly promote the interests of the American people. That becomes clearer the farther into the future one looks.

You know, Mr. President, there are a lot of things where we can disagree in this country. There are a lot of political issues we can disagree on. But I hope that most Americans can be proud of the fact that we have created the strongest democracy that history has ever known and we should be proud of our position in the world. But we should also understand our responsibilities in the world. We are a quarter of a billion people. We are the largest economy in the world. But even though we are only a small percentage of the world's population, we use close to half of the world's resources.

We have great opportunities but great obligations. The opportunities are to foster the kind of democracy that the United States has known and to encourage countries that want to become democratic nations.

But we also have a certain humanitarian responsibility to the rest of the world. God has blessed this country with great resources and great advantages. But at the same time I think you can say there is a moral responsibility to help those less fortunate. It is not the idea of having some massive giveaways. We do not. Our foreign aid budget is less than 1 percent of our overall budget. Much of it reflects our own security interests. A lot of it is designed to create jobs for Americans and our export markets, and a tiny part reflects the humanitarian concerns of the greatest nation history has known. We may want to look at just how tiny that percentage is.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. 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. 2707

(Purpose: To provide for the streamlining and consolidation of the foreign affairs agencies of the United States, including the abolition of at least two of the following agencies: the U.S. Arms Control and Disarmament Agency, the U.S. Information Agency, and the Agency for International Development)

Mr. HELMS. 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 North Carolina [Mr. HELMS], for Mr. DOLE, for himself and Mr. HELMS, proposes an amendment numbered 2707.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, this pending amendment will save the taxpayers of America $3 billion, if and when the Senate approves it.

This amendment will mandate the abolition of three outdated, anachronistic Federal agencies—the Arms Control and Disarmament Agency; the

Agency for International Development, which is the foreign aid giveaway agency, Mr. President; and the U.S. Information Agency. Reorganization of U.S. foreign affairs institutions puts the interests of the American people first, for a change, and prepares the United States for the 21st century. The American people voted for a change last November, if my understanding of what the people wanted is anywhere on target. It is now the Senate's duty to follow through.

Before I proceed, I must acknowledge that I have never, in my nearly 23 years in the Senate, seen such furious lobbying by the executive branch, and by the State Department, to resist cutting spending and resisting reorganization. They have made all sorts of charges, none of which is true; they have circulated all sorts of threats. They may have almost intimidated some Senators, but I do not think it will last—certainly not in all cases. But we must proceed, so that the Senate can decide whether it will join the House of Representatives in saving the American taxpayers billions of dollars by discarding outmoded, anachronistic Federal agencies that ought not to exist anyway.

I will tell you one thing, Mr. President. There is nothing so near eternal life as "temporary" Federal agencies. They go on and on and on like Tennyson's brook, and they cost the American taxpayers billions of dollars.

Now, I confess a reservation about my own amendment, Mr. President, the reservation that my own amendment does not go far enough in changing the situation. It does, however, go a long way toward accomplishing the objectives that I laid out in Senate Bill 908, the Foreign Relations Revitalization Act.

Just as importantly, this amendment is consistent with legislation introduced months ago—on February 15, to be precise—a bill numbered S. 422, offered by the distinguished Senator from Kentucky [Mr. MCCONNELL]. Now, the McConnell proposal proposed to abolish the Agency for International Development—that foreign aid giveaway crowd—and transfer its function into the State Department. A similar provision is incorporated into the Foreign Relations Committee's bill, S. 908. American taxpayers would be saved millions of dollars by cutting AID's overextended operating costs.

On May 11, the distinguished Senator from Kentucky [Mr. MCCONNELL] appeared before the Foreign Relations Committee, of which I happen to be chairman, and he said at that time that his bill, S. 422, includes "abolishing AID and consolidating the agency's functions under the Secretary of State * * *."

He proceeded to say it would also "move assistance programs into the State Department, reflecting my own view that the U.S. foreign aid must better serve the U.S. foreign policy interests. The connection between U.S. aid and U.S. interests has been lost with agencies acting wholly independent of our collective interests and good."

That was Senator MCCONNELL on May 11 in his appearance before the Senate Foreign Relations Committee.

With all due respect, having praised Senator MCCONNELL, as I have on many occasions for his courage and his foresight, I must say that the pending legislation, H.R. 1868, is a far cry from what he said when S. 422 was offered this past February to the Senate and about which Senator MCCONNELL was speaking when he testified.

The pending amendment now at the desk will get us back on track by eliminating two of the three anachronistic, wornout Federal agencies. In fact, if Senator MCCONNELL would like to direct that AID—the Agency for International Development—be one of the two, I will be happy to accommodate him. I do not think he is going to want to do that because a great deal of pressure has been applied by certain Federal bureaucrats. They have confused the issue and muddied the water, and we may have to straighten out the situation by careful evaluation of the true facts of the situation involving all of this legislation.

The congressional budget levels mandate that Congress deflate bloated bureaucracies in the Federal Government by eliminating vast duplications and by eliminating incredible waste across the board. Every Member of this Senate knows that duplication and waste has been going on. It is going on right now, and it will continue to go on, unless we have the guts to do something about it.

The amendment pending at the desk meets the Budget Committee target levels for international affairs required to balance the Federal budget by the year 2002. The savings thereby generated do not derive from excessive cuts in international programs. The savings derive entirely from reductions in the sprawling foreign affairs bureaucracy.

Let me say this with all of the sincerity that I possess, Mr. President. If the Senate and the House of Representatives, composing this Congress, fail to seize this opportunity to consolidate, the American taxpayers will be stuck with a massive international affairs budget which feeds a huge, enormous bureaucracy.

So the Senate, it seems to me, has two choices: One, it can save intelligently through consolidation; or two, it can cannibalize Federal programs.

As I said earlier, there is nothing so close to eternal life as a temporary Federal agency. The idea of eliminating these worn out bureaucracies—that were temporarily designated, and specified as temporary, when they were created—is just as old as the agencies themselves. During the past decades, at least 89 studies have been made on the subject of consolidating our foreign affairs institutions. These have been conducted by a series of administrations, Democrat and Republican. I think, as just one Senator, Mr. President, that we should stop talking and do something to benefit the American taxpayers.

In many respects, as I have said earlier, the pending amendment mirrors S. 908, the bill reported by the Senate Foreign Relations Committee. The State Department reorganization bill thus reported by the Foreign Relations Committee has been endorsed by five—count them, five—former Secretaries of State. Every one of them, without exception, supported the abolition of the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency.

All five former Secretaries of State advocated publicly, in testimony, that all three agencies be eliminated and the money be saved. Now, the functions of these agencies will be transferred into the State Department, which in the process will be reorganized and revitalized.

I have to say that our good friend, Warren Christopher, the present Secretary of State, whom I respect and for whom I have affection, concluded that just such a plan makes sense. In November of last year, Secretary of State Christopher submitted to Vice President Gore a reorganization plan, the Christopher reorganization plan, a plan similar to our reorganization plan. But that plan, sad to say, lost out to the bureaucratic lobbyists in the administration—including the White House—who care more about protecting their fiefdoms than they do about streamlining the Federal Government for the post-cold-war world. Indeed, it is an irony, it seems to me, that Secretary Warren Christopher's reorganization proposal was rejected, rejected by the very same office that had been created with great fanfare—to do what? To reinvent Government. Some reinvention.

Let me say, Vice President GORE—and I liked him very much personally when he was a Senator and now as Vice President—but I feel obliged to mention the fact that AL GORE promised the American taxpayers that he would cut $5 billion out of the foreign affairs budget in the next 5 years while keeping the bureaucracy in place.

I wanted to see how he could do that. That promise reminded me of the fellow who applied for a job at a circus, saying he could jump off a 90-foot tower into a wet washcloth, which he did. The only problem, he broke his neck. You cannot cut down on the bureaucracy without cutting down on the bureaucracy.

In any case, our friend, AL GORE, Vice President of the United States, has not to this good day, this hour, submitted the first syllable of a plan for his proposal. Nothing. Zilch.

The Vice President has said simply that he has no plan. But he does have an opinion about others, including Secretary of State Christopher, who have tried their best to get this country embarked on the proposition that we have to cut down on the Federal bureaucracy. The State Department itself has not submitted even one syllable of a formal authorization request for fiscal year 1996, this fiscal year coming up.

Instead, what have we heard from the State Department? What have we heard from the Agency for International Development and others? We did have one pretty clear message which somebody slipped to us over the transom, a copy of an internal memorandum in which they outlined, Mr. President, exactly how they were going to oppose Senator HELMS in my effort to cut down on the Federal budget. They said the plan is to "delay, postpone, obfuscate, derail" the congressional debate on reorganization.

Now, Mr. President, I have consulted the highest levels of the administration on Foreign Relations Committee bill S. 908. In fact, inasmuch as the media has mentioned my visit with the President on August 11, I suppose it is common knowledge. I have never said publicly heretofore anything in detail about my meeting with President Clinton.

He was very gracious and generous with his time, and if I am able to read the expressions on anybody's face, I perceived that the President was much impressed at the detailed outline that was presented that afternoon.

In any case, the pending amendment provides enormous flexibility to the President. I think that is why Mr. Clinton appeared so receptive to proposals contained in S. 908 to consolidate those anachronistic foreign affairs bureaucracies.

The President understands that this is an issue about good government and about saving the American taxpayers billions of dollars.

It allows the executive branch even greater latitude than exists in current law. It requires the abolishment of only two or three outdated agencies. As a matter of fact, I am willing to settle for abolishing two of them—and I will let them decide which two. But let us do away with two of them, two out of the three.

This legislation, this amendment at the desk, does not—and I reiterate for emphasis—it does not legislate every position and office in the Department of State. But it does provide an organized framework for consolidation and it does provide necessary extraordinary authority for a smooth transition to a smaller, more efficient, far less expensive foreign affairs apparatus. As the President of the United States said on the afternoon of August 11, "Who can be against that?" "Who can be against that?"

I am not implying, nor should anybody infer, that the President has endorsed any plan. I do not know. He said he was going to get back to me, but he never did. I suspect that he was subjected to some rather severe lobbying from within the official family, but I do not know that. But I do know that consolidation of U.S. foreign affairs and all of its institutions is obviously the right thing to do. It is a wise proposal on which unanimous agreement should result. We ought not to be here prepared to debate it. We should not be here quibbling over $23 million or whatever. We should be standing in a phalanx, and: Yes, sir, we are going to cut down the size of this Government and especially the foreign aid giveaway programs. Because, by doing so we can save the American taxpayers, as I said at the outset, billions—not millions—billions of dollars. And in the process we will be strengthening the hand of the Secretary of State in the conduct of U.S. foreign policy.

That is why five former Secretaries of State appeared before the Foreign Relations Committee and endorsed our proposal that emerged from the committee.

Abraham Lincoln said it well, I think. He said, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise to the occasion. As our case is new," Mr. Lincoln said, "so we must think anew and act anew." Abe Lincoln said so many smart things, but he did not say one that was any smarter than that one. I agree with it and I think 99 percent of the American people, at least those who are not on the Federal payroll, will agree with what Abraham Lincoln said.

The need for innovative thinking is not tomorrow, next week, next month or next year. It is now. It is time to shed ourselves of these archaic, burdensome, anachronistic institutions so that we may enter a turbulent 21st century—and it is going to be turbulent—so we can go into that century with a more effective State Department and a more coherent foreign policy and one that does not, as now is the case, bleed the American taxpayer white.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise in strong support of the Helms amendment. I would like to make this point to Members. This is a controversial amendment. It does involve dramatic changes in the State Department and the way we organize that function. The choice we have is to spend $3 billion extra on overhead, or to save that money for real programs that help real people.

The fact is, America is in transition. We face tough competition from abroad. We face tough competition and problems in solving our own budget dilemma. That is going to be resolved in a happy way, only if we set priorities and eliminate those things least efficient, least productive, least creative in Government and concentrate the limited resources we all recognize we have on those things most productive. In short, the choice we have is to spend $3 billion in foreign affairs that experts tell us we can save through reducing unnecessary overhead and salaries and inefficiencies, and transfer that money to programs that are vital, that are important.

Everyone concerned about Social Security ought to be in favor of this amendment because this frees up $3 billion that can be spent to save Social Security.

Everyone concerned about Medicare and Medicaid ought to be for this amendment because it frees up money that can be reserved and used for those programs.

It is not enough to pretend we have the resources for everything in the world. We do not. The distinguished Senator from North Carolina, through his innovations, has found us $3 billion that we can reprogram for much higher priorities. I hope, while this is a tough decision, while it involves change, while it involves sacrifice, it does involve changing our priorities to move away from overhead and offices and unneeded supervision and unneeded duplication to a program that transfers that money over to our most efficient, effective and helpful programs.

I believe that is the essence of what good Government is about on the national level, taking a look at our budget and making sure it is spent in the most logical, thoughtful, productive ways.

The fact is that Democrats and Republicans who served as Secretary of State, who have served in that office in supervisory capacities, have come before the committee and have testified this is a wise and efficient and productive and efficient thing to do. We ought to get on with it.

I yield the floor.

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

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

COMMITTEE AMENDMENT ON PAGE 15, LINE 17, THROUGH PAGE 16, LINE 24

Mr. BROWN. Mr. President, I ask unanimous consent the Helms amendment be temporarily set aside and that

we proceed to consideration of a committee amendment beginning on page 15.

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

AMENDMENT NO. 2708 TO COMMITTEE AMENDMENT ON PAGE 15, LINE 17, THROUGH PAGE 16, LINE 24

(Purpose: To clarify restrictions on assistance to Pakistan and other purposes)

Mr. BROWN. Mr. President, I rise to offer an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] for himself, Mr. HARKIN, and Ms. MOSELEY-BRAUN proposes an amendment numbered 2708 to committee amendment on page 15, line 17, through page 16, line 24.

Mr. BROWN. 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 committee amendment on page 15, line 17 through page 16, line 24, insert the following:

SEC. . CLARIFICATION OF RESTRICTIONS.

(a) IN GENERAL.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking the words "No assistance" and inserting the words "No military assistance";

(B) by striking the words "in which assistance is to be furnished or military equipment or technology" and inserting the words "in which military assistance is to be furnished or military equipment or technology"; and

(C) by striking the words "the proposed United States assistance" and inserting the words "the proposed United States Military assistance".

(D) by inserting "(1)" immediately after "(e)"; and

(E) by adding the following new paragraph:

"(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

"(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

"(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

"(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

"(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes;

"(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.

"(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990."; and

(2) by adding at the end the following new subsections—

"(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

"(g) INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed $25 million."

"(h) BALLISTIC MISSILE SANCTIONS NOT AFFECTED.—Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act."

Mr. BROWN. Mr. President, this amendment is an amendment that deals with the subject of Pakistan and the longstanding sale of military equipment to that country and our further domestic relations with that country. It is a compromise amendment. It has been considered on the floor prior to this, with extended debate.

I offer it in hopes that those who feel strongly—and I recognize there are Members who feel strongly on both sides—will not only have an additional opportunity to share their views with the Senate, but allow us an opportunity to proceed and dispose of the issue one way or another.

Mr. President, with this background, I might mention that much of this issue started back in 1979 which started with an event which shocked America and shocked the world. It started with the Soviet invasion of Afghanistan, Pakistan's neighbor to the north.

President Carter responded strongly to this, and violated his understanding and agreements with the Soviet Government. It spoiled a period that might have developed into détente under his leadership, and it particularly affected our relationships with Pakistan and to some extent India. It affected those relationships because Pakistan was the neighbor immediately south of Afghanistan and faced great danger. The Soviet Union had made direct threats against Pakistan for their assistance and cooperation with the United States prior to that and, again, the threat of further Soviet retaliation against Pakistan was highlighted when they invaded their neighbor to the north.

It also aggravated the disagreement between the Indians and Pakistanis. The Pakistanis strongly condemned the invasion of Afghanistan but, tragically, the leader of India rose and in a speech supported and defended the Soviet invasion of Afghanistan. It further aggravated then strained relationships between India and Pakistan as well. It affected this country's relationship because the United States saw a need and an importance to work with Pakistan to thwart that Soviet occupation and subjugation of Afghanistan. It saw renewed and unique cooperation between our two countries. It resulted in a series of additional sales of military equipment to Pakistan as well.

Faced with the potential of the further Soviet activity on the northern border, we saw an interest in building up Pakistan's military strength. And, thus, in a period between 1986 and 1989, a series of sales of military equipment were made to Pakistan. Specifically, during that period, 1986 to 1989, we sold them a total of 60 aircraft, a total potentially then of 71, including 11 additional aircraft as part of the deal—a total of 71 aircraft that were considered. These were F-16 aircraft. It was not only a sale for United States industries, but it was a way to help strengthen and support Pakistan's military defense that they faced: the Russian invasion of Afghanistan on its northern border.

In addition, there were $368 million of other military equipment included in this sale. That equipment was a sale; that is, the Pakistanis paid for it with their own money. But what happened was, after that, two things occurred. First, finally the Soviets understood the folly of having invaded Afghanistan and began a withdrawal and began a settlement. Second, in 1990, the Pressler amendment kicked in. The Pressler amendment I think was well-intentioned, and it was designed to prevent nuclear proliferation. It was designed in a way, though, where it was country specific; that is, it applied to Pakistan but did not apply to India.

India had developed—or at least we believe they had developed—their own nuclear weapons. But—this is important—it did not violate the Pressler amendment because the Pressler amendment was not geared to the kind of activity India was involved in; that is, domestic development or primarily domestic development of their own weapons. But it did apply country specific to Pakistan. In other words, we established in the Pressler effort a rule that applied and was limited to Pakistan but not to India as it developed out.

So two things occurred. The Pressler amendment resulted in the noncertification of Pakistan under that amendment, and, according to the Pressler amendment, the sale of this equipment was cut off; that is, we were prevented by law from delivering it.

So here is the controversy in 1990. The United States has sold equipment to a good ally and a good friend, Pakistan, a total sale of 1.4 billion dollars' worth of equipment of which they have paid for and we have ordered the equipment to be built and are unable to give the equipment to Pakistan because of the Pressler amendment, and we are also unable to give them their money back. We are unable to give them their money back even though we cannot give the product because the Government has turned around and contracted for the production of the equipment.

So we are set in a controversy in 1990. We have the Pakistani money or the obligation. We are unable to deliver the equipment, and we are unable to give them their money back because we have already spent it for the equipment. Thus, for 5 years we have sat in a controversy with one of our best friends holding their money and their equipment and not willing to give either one of them, or not able to give either one of them, to them.

The next thing that happened was in 1993 when Pakistan was faced with the nondelivery, decided and agreed with the United States reluctantly to cut back their order of F-16 aircraft, which is by far the most controversial part of the package, from a total of 71, or the 60 they had purchased plus the 11, back to a total of 28. So the total has dropped from 71 back to 28. We are still faced, though, with the package of $1.4 billion in military equipment combined, which we have their money for and which we are unable to deliver.

Mr. President, I should point out also that there is a further problem here. Not only does this nondelivered, nonaccomplished contract aggravate our relations with Pakistan, but each year Pakistan has been charged with and is required to pay storage costs on the equipment they have paid for but which we refuse to deliver. It adds insult to injury to some extent.

In addition, the equipment each year of these last 5 years has become more and more obsolescent. Each year we fail to resolve this crisis, the equipment drops in value, the storage costs and maintenance costs continue on, and relations become more and more strained between our two countries. It is clearly in this Nation's interest to work out an arrangement to resolve this longstanding dispute.

Mr. President, I also think it is important for us to keep in mind what was behind the Pressler amendment; that is, a genuine and a sincere interest in stopping proliferation. So, in thinking about settling this dispute, it seems to me that we, as Americans, ought to be thinking about a couple of things. First, how do we resolve the dispute without sending the message that we are going to give up on stopping proliferation? Clearly, as we come out of this, we have to have in place something that is a discouragement for people from developing nuclear weapons.

So it is important I think that the solution come out. First, so that it is fair to both India, Pakistan, and the United States; and, second, so that there is still significant deterrence for people violating the structures, and the disincentives, against proliferation.

Mr. President, that is what this amendment is meant to do, a resolution of that longstanding controversy. What does it do?

The amendment is very clear, and for Members let me divide it into a couple of parts. First, simply a clarification of the Pressler amendment. That is, in the cutoff of certain relationships between the United States and Pakistan, we want to clarify some areas where we think it is in our interest to not have cutoff. What are they? For example, is it in the interest of the United States to cooperate with Pakistan in the suppression of terrorism?

I think most Members would think it is reasonable to say, of course, it is; that in cutting off relationships between the United States and Pakistan because of the Pressler amendment, one of the things we should not cut off is cooperation between our two countries with regard to suppressing terrorism. An example occurred earlier this year. Within Pakistan, we were able to apprehend, with the assistance of the Pakistani authorities, a suspected terrorist who was thought to be involved in the bombing within this country of the New York World Trade Center. We asked the Pakistanis to arrest him and extradite him to the United States.

Was that in our interest? Yes. Mr. President, incidentally, the Pakistanis did cooperate. Even though they faced pressure from Islamic fundamentalist countries that surround them, they arrested this suspected terrorist and they extradited him to the United States. I might mention that that kind of cooperation has not been seen by all countries in the world and Pakistan took particular risks in doing so. So I think it is in our interest to have an arrangement that allows us to cooperate with them in suppressing terrorism. I think it is also in our interest to have an arrangement that allows us to cooperate with them in suppressing drug traffic and arresting drug traffickers.

Why is it important to amend the Pressler amendment? The Pressler amendment—and it is not as clear as it might be—appears to cut off even assistance that, for example, would help them set up a lab, which is what we have done with a lot of countries, which would identify chemicals. So what we have done in a number of countries around the world is help them with technical expertise to identify what is cocaine, what is heroin, what these different chemicals and drugs are, and convict the people who are trafficking in them.

So the first part of the amendment is reasonably noncontroversial. It passed out of committee 16 to 2. What it says, in the so-called economic areas, we are going to clarify what Pressler means and we are going to allow cooperation in the areas of suppressing terrorism, counternarcotics control, peacekeeping, and multilateral nation building. I think there are a lot of examples. We have gone to the Pakistanis in recent years and asked them to help by sending troops to Haiti, by sending troops to Somalia. We want to make it clear that there is cooperation allowed. In other words, if we provide transportation, for example, for their troops to go to Somalia to help us with a mission, we want to clarify the Pressler amendment to make it clear that is allowed.

So the first piece of it we believe is fairly noncontroversial. It is clarifying that the Pressler amendment in the economic areas does not cut off areas where I think most every American would think it is to our advantage to cooperate with Pakistan.

The second aspect should be fairly noncontroversial as well, and that is it makes it clear by law that we will not deliver the F-16 aircraft, exactly what the Pressler amendment allows right now or provides right now, and it indicates that the President is authorized to sell the planes and return what money of the Pakistanis that he can through a sale of those aircraft to other people.

Now, Mr. President, the only thing new in that is making it clear that he is authorized to sell them and return the money such as he can. It does not appropriate money for this purpose, and that is an important difference. We are not, as I hope we would eventually and I think is important, by this amendment returning the Pakistani money. We are authorizing the President to sell those aircraft and authorizing the return of the proceeds from what he sells, but it does not appropriate money. It merely authorizes a resolution of that.

So what we have done is left in place the major penalty for Pakistan in this. The aircraft, the F-16's, are clearly things that the Indians are most concerned about. They have indicated it is their top priority. They have indicated it is the thing that is most important to them, to see that they are not delivered in the way of equipment to the Pakistanis. The aircraft amount to almost three-fourths of the entire military package.

So the way it deals with the second area is it makes it clear that those aircraft, none of them are to be delivered to Pakistan, and if there is money derived from selling them, that can be returned to Pakistan.

Third, Mr. President, it does authorize the delivery of about a fourth of the package, and that fourth is other equipment that is described as insignificant.

We have held extensive hearings on this question. Every witness that we had—we had a large number of witnesses, experts from academia, military experts, and a variety of other experts from the administration—every expert that came in who talked about this other package—that is, about a fourth of the military sale—described to us that these were militarily insignificant packages. Both Democrat and Republican, both liberal and conservative, both academic and military experts, all of them came in and described this part of the package—and it is $368 million of military equipment that they have contracted and paid for—as militarily insignificant.

Now, some critics have said, "Goodness, if you allow the delivery of this equipment that is 5 years old or older, it will upset the remainder of power between India and Pakistan."

I am happy to respond to that if it is made in the Chamber, and I wish to be very clear about it because the experts we have asked, all of them have come in and said, First, it is militarily insignificant and, second, it will have no effect whatsoever on the remainder of power between India and Pakistan. India is clearly the dominant power. It is 2 to 1 over Pakistan in almost every military aspect and, of course, in population has an advantage much greater than that. So while that is a point of contention in this, it is a controversial piece of it I hope Members will put in place. First, the experts say it is not militarily significant and will do nothing to change the major balance of power between India and Pakistan, which is clearly in India's favor and continues in a very significant way to be in India's favor.

Mr. President, let me deal specifically with what the amendment does not do because I think that is important. It does not repeal the Pressler amendment. It leaves it in place. It leaves in place a cutoff of military sales to Pakistan. Even though they have been our ally, even though they have been our friend, they cannot look to us even in difficult circumstances to buy military equipment.

The military equipment that here is involved is a sale that is 8 or 9 years old and that they have paid for and for which we are unable to return their money. So what we are doing is not delivering three-fourths of the material and delivering a quarter of it. But it leaves in place the Pressler amendment and the cutoff of sanctions. Second, it does not create instability with India. It leaves them with a 2-to-1 advantage in military hardware. Third, it does not—and this is very important, I think—undermine the nonproliferation efforts of the United States. It leaves in place tough sanctions against Pakistan.

Some may feel this amendment does not go far enough, that we ought to reconsider those tough sanctions. But this amendment does not do that. I must say personally, Mr. President, I think it is very important for us to keep in mind that we have to have credibility in terms of our strong stand against proliferation. As some Members may note, I have been one who has been concerned about our negotiations and discussions with North Korea. I think we jeopardize the credibility of our nonproliferation effort by what we have done there. So I think it is important to note this amendment leaves in place tough sanctions.

Mr. President, I wish to suggest to Members that there are three things I hope they will keep in mind as they consider this amendment. No. 1, Members from my side of the aisle have been critical at times of the President in his conducting of foreign policy, but here is an example where the President faced a tough problem. He faced a tough problem because it deals with relationships with Pakistan and India. He faced a tough problem because for 5 years we have had this equipment and we have refused to either deliver it or give the Pakistanis their money back. Previous administrations had not been able to deal with this problem, as difficult as it was.

Mr. President, here is a situation where the President of the United States faced a tough foreign policy problem and found a solution. He negotiated for this Nation and he developed a good compromise. The compromise he developed did not deliver the F-16's, which were the most controversial piece of the package, and did deliver a portion of the package, about a fourth of it, that is not thought to be militarily significant.

He negotiated a strong compromise that while it does not satisfy everyone, it gets this problem behind it. No one, I think, can look at this problem and think it makes sense to delay further in trying to resolve it. Every day that passes the equipment gets older and of less value. Every day that passes, there is storage costs that impose a greater and greater burden on the parties involved.

The question Members have to ask themselves is this: If they fail to pass the President's compromise, what do they do to his negotiating position in foreign policy? I think it is very clear they undercut it. I think it is very clear what happens. If you fail to pass the President's compromise in this area, we send a message to the world that they cannot negotiate in good faith with the President of the United States, that we will not back him when he steps forward to settle difficult problems. I think we undercut his position and his credibility and his ability to negotiate on behalf of the United States in the future.

It would be a tragic mistake to take an area where the President has shown real leadership and real courage in solving a tough problem, and to undercut him.

Second, Mr. President, I think there is a very important thing we ought to consider as we look at this package, and that is how people around the world will respond to the United States when we come and ask for help, when we come and ask for cooperation. They will look at how we have treated Pakistan and they will make a decision of whether or not they want to be our friend and whether or not they want to work for us.

Mr. President, there is a simple guideline for this solution as to how Pakistan has responded. When we have needed help and we have gone to Pakistan and asked for help, the Pakistanis were there for us. Let me review the record quickly.

In 1950, when North Korea invaded South Korea, the United States went to Pakistan and asked for their help in the United Nations to vote against that invasion and to authorize U.N. forces to go to war to save freedom and democracy in South Korea. Pakistan said yes when we asked them for help.

In 1954, when we organized the Central Treaty Organization, CENTO—it was designed to stop the spread of communism around the world—we went to Pakistan even though they were in a vulnerable position, close to the Soviet Union, and we asked them to join this military alliance to protect freedom and democracy around the world. Pakistan said yes when we asked them to join.

In 1955, when we helped organize the Southeast Asian Treaty Organization, SEATO, and asked Pakistan to join that organization, Pakistan said yes, and stood shoulder to shoulder with us to stop the spread of Marxism and communism around the world.

In 1959, when we went to Pakistan and asked them to sign a mutual defense treaty, Pakistan once again said yes to the United States. In accordance with that defense treaty Pakistan allowed the United States to set up military air bases within Pakistan designed to perform reconnaissance flights over the Soviet Union.

Now, Mr. President, keep in mind what this was. We asked Pakistan to allow us to set up a base in their own country that would fly our spy planes, our reconnaissance planes, over the Soviet Union, providing vital military intelligence to the United States. Pakistan, close to the Soviet Union, was at

great risk and great danger. And once again, even at their own risk, Pakistan said yes to the United States.

Francis Gary Powers, incidentally, was involved in one of those flights, which Americans will remember.

Incidentally Khrushchev himself threatened to wipe this airbase off the face of the Earth. Pakistan took an enormous risk by letting us on their territory, and said yes to helping us.

In 1970, when we wanted to open up relationships with China, Pakistan said yes to our request to allow Henry Kissinger to enter China through Pakistan, cooperating and setting up that relationship with China. Even though the Soviets were very upset by Pakistan, and in less than a year signed a friendship treaty with India partly in relationship to their anger, Pakistan went ahead and said yes to the United States offers for help.

Americans should note that it was within a year after that cooperation with the United States that resulted in a friendship treaty between the Soviet Union and India that India then felt free to send their troops into east Pakistan which saw the Pakistanis lose that war and lose a significant portion of their country.

From 1979 to 1989 the United States went to Pakistan and asked them to cooperate with us in and help us fight the Soviet invasion of Afghanistan through infiltration of military equipment and other devices. Once again Pakistan said yes to the United States even though they faced great danger.

In the gulf war against Iraq in 1990 we asked Pakistan to send troops. They did. They stood side by side and fought with us to repel the Iraqi invasion.

Since 1992 and 1993, Pakistan has been at the forefront of peacekeeping operations. We went to them and asked them to supply troops for Somalia, and they said yes. And we went to them and asked them to supply troops for the Haiti operation, and they said yes. And in 1995 we went to them and asked them to return a suspected terrorist, and they helped arrest him and return him to the United States, a terrorist who was involved in the World Trade Center bombing.

Mr. President, when we have asked Pakistan for help, they have been there. They have stood side by side for America with America. They have stood side by side with us in resisting Soviet aggression. They have stood side by side with us to stop and reverse the Russian invasion of Afghanistan. And, Mr. President, they stood side by side to help us stop or reverse terrorism around the world.

Now, Mr. President, they are asking us, asking us to treat them fairly with regard to this sale that started almost 9 years ago.

Mr. President, at this time I would like to ask that Senator HARKIN and Senator MOSELEY-BRAUN be added as cosponsors to this amendment.

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

Mr. BROWN. Finally, Mr. President, let me suggest this: The reason we ought to pass this amendment is not for Pakistan, although that ought to be a consideration, it is not for anyone else in the world except for the United States.

If there is one thing important to Americans, it is that our word be good, that our commitments be strong, that people place credibility in what America does. Is there anyone in this Chamber that is comfortable with us having taken the Pakistani money and refused either the equipment that we contracted for or their money back? I do not think so. Americans do not deal that way with people. We do not take their money on a contract and then refuse to deliver on the contract or refuse to return their money. We ought to adopt this amendment because of America and what we stand for and who we are, because our word is good, and our commitment is good, because we do not cheat people.

We ought to adopt this amendment because it is a fair compromise of a tough problem that treats people fairly and reasonably. Mr. President, I believe it would be wrong for us to both keep the money and the military equipment and to refuse to resolve that problem. And that stands as a cloud over the integrity of the United States.

Mr. President, I am proud of this country. I think we deal fairly with people. And I think we want people to know that. We ought to pass this amendment more than anything because it says a lot about the kind of people we are and the kind of integrity we have and the validity and the integrity of the word of the United States.

Mr. President, I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1976.

The legislative clerk read as follows:

A bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feingold-McCain amendment No. 2697, to prohibit the use of appropriated funds for the special research grants program that are not subject to a competitive approval process.

Conrad amendment No. 2698, to provide that producers of a 1995 crop are not required to repay advance deficiency payments made for the crop if the producers have suffered a loss due to weather or related condition.

Bumpers amendment No. 2699, to reduce funding to carry out the market promotion program and to target assistance to small companies.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, there are 4 minutes equally divided on the Feingold amendment, the first amendment to be voted on.

In connection with the Conrad amendment, there has been a modification submitted. In connection with the Conrad amendment, I ask the following: I ask unanimous consent that following the first of the ordered votes, there be 6 minutes of debate for the Conrad amendment No. 2698, with 4 minutes under the control of Senator CONRAD and 2 minutes under the control of Senator COCHRAN.

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

AMENDMENT NO. 2697

The PRESIDING OFFICER. Under the previous order, the pending question is amendment No. 2697, offered by the Senator from Wisconsin [Mr. FEINGOLD]. As indicated, debate on this amendment is limited to 4 minutes equally divided in the usual form.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment does not cut a dime from the Special Research Grants Program. I want to make that absolutely clear. It just subjects the proposals for funding under this program to new scientific peer review and competition.

Second, this amendment does not negate the committee's recommendations in the report. It just ensures that those recommendations, if they are funded, have to pass a competitive test to be sure they are merited.

Third, this amendment replaces the political competition for these research dollars, which I think is inappropriate for an ever-shrinking agriculture research budget, and what it replaces it with is science-based competition.

Currently, the defining criteria for which institutions are awarded research grants I am afraid is which Members have the most political muscle to get their projects approved by the committee, and I think that is wrong. I think it is unfair to U.S. farmers for Members of the Senate and the House to be spendthrift with these limited research dollars which continue to shrink each year.

Last night, my colleague, the senior Senator from Mississippi, said my amendment would delegate this authority to a "fancy group of scientists on peer review panels." Under our peer review, $50 million is done by peer review, rather than $100 million, which is already done by peer review. Why the difference?

I think it is appropriate to have a peer review panel. I think there still will be an opportunity for committee members to identify projects they believe in and to put them in the committee report, but they would have to go through, also, a peer review, and I am sure most of them would do well on this basis.

The point here is, if my amendment is adopted, the projects would have to be approved on their merit. We would replace a political competition with a fair competition.

Mr. President, I think it is irresponsible of Congress to continue funding these projects based on politics rather than merit. I would say that the scientists that are experts in their field are far better qualified to determine which projects are sound and which are not than are the Members of Congress.

So I urge my colleagues to support this item which I think is not only reform in the agriculture area but a reform in our entire budgeting process. I thank the Chair.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me say in response, last night we debated this fully. We had the opportunity to talk about all the different kinds of agricultural research—applied research, basic research, research that is targeted to specific problems of a region or a State. There is a very carefully balanced mix of research dollars in this legislation. Some of it—most of it, as a matter of fact—is done by the Agricultural Research Service at Federal laboratories, by scientists employed by the Government. Some of it is done through a National Research Initiative which is a competitive, peer-review program as the distinguished Senator from Wisconsin said.

Other dollars are allocated by formula, or under the supervision of the Department of Agriculture, which very closely monitors the use of all funds to determine that the research being done has merit and will benefit American agriculture. That is the important part of this.

I am not so much concerned with how we divide these funds, but we think the bill before the Senate provides a proper balance. Members of Congress have had a say-so in how these dollars are allocated, and that is how it should be. They are accountable to the taxpayers. If you turn this all over to a group of scientists somewhere, they are going to have their own buddy system, in effect, and you may see States and regions that will get left out, and I think it might be my region that may get left out.

You may have the large, more wealthy and well-entrenched hierarchy of academia in the Northeast and the Midwest dividing up all the money among themselves, and I am against that.

The system we have now that is reflected in this bill and the appropriations that we have made here and recommended to the Senate, I think, are very thoughtful. They are well crafted to make sure we serve agriculture broadly.

I hope the Senate will support our efforts.

The PRESIDING OFFICER (Mr. ASHCROFT). All time has expired.

Mr. COCHRAN. I move to table the Feingold amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the amendment No. 2697, offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 447 Leg.]

YEAS—64

Akaka	Exon	Levin
Baucus	Faircloth	Lott
Bennett	Ford	Mack
Biden	Frist	McConnell
Bond	Gorton	Mikulski
Breaux	Gramm	Moseley-Braun
Bumpers	Grassley	Murkowski
Burns	Gregg	Nickles
Byrd	Harkin	Packwood
Campbell	Hatch	Pressler
Coats	Heflin	Reid
Cochran	Helms	Sarbanes
Cohen	Hollings	Shelby
Conrad	Hutchison	Simpson
Coverdell	Inhofe	Snowe
Craig	Inouye	Specter
D'Amato	Jeffords	Stevens
Daschle	Johnston	Thomas
DeWine	Kempthorne	Thompson
Dole	Kerrey	Thurmond
Domenici	Lautenberg	
Dorgan	Leahy	

NAYS—34

Abraham	Graham	Nunn
Ashcroft	Grams	Pell
Bingaman	Kassebaum	Robb
Boxer	Kennedy	Rockefeller
Bradley	Kerry	Roth
Brown	Kohl	Santorum
Bryan	Kyl	Simon
Chafee	Lieberman	Smith
Dodd	Lugar	Warner
Feingold	McCain	Wellstone
Feinstein	Moynihan	
Glenn	Murray	

NOT VOTING—2

Hatfield	Pryor

So the motion to lay on the table the amendment (No. 2697) was agreed to.

AMENDMENT NO. 2698

The PRESIDING OFFICER. The question now occurs on amendment numbered 2698 offered by the Senator from North Dakota [Mr. CONRAD].

Debate on the amendment is limited to 6 minutes, 4 minutes under the control of the Senator from North Dakota and 2 minutes under the control of the Senator from Mississippi.

Mr. COCHRAN. I ask unanimous consent that the rollcall on this Conrad amendment be limited to 10 minutes.

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

AMENDMENT NO. 2698, AS MODIFIED

Mr. CONRAD. Mr. President, I send a modification to the desk and ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The Senator has a right to modify in accordance with a previous order.

Without objection, it is so ordered, and the amendment is so modified.

The amendment (No. 2698), as modified, is as follows:

On page 82, line 15, strike "$795,556,000" and insert "$717,778,000".

At the appropriate place, insert the following:

SEC. . REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS FOR 1995 DISASTER LOSSES.

(a) IN GENERAL.—Notwithstanding subparagraphs (G) and (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)), if the producers on a farm received an advance deficiency payment for the 1995 crop of a commodity and suffered a loss in the production of the crop due to weather or related condition in excess of 35 percent, the producers shall not be required to repay the amount of the payment on lost production that does not exceed the percent of production on which crop insurance coverage was not available, as determined by the Secretary of Agriculture.

(b) LIMITATIONS.—The payments not required to be repaid under subsection (a) shall not exceed—

(1) $2,500 for the producers on a farm; and

(2) $35,000,000 for all producers.

Mr. CONRAD. I thank the Chair.

Mr. President, this amendment is to deal with what I think is clearly an unintended consequence. In many parts of the country this year we have crop failure, most of it weather related.

Whether it is wheat in North Dakota or Kansas, whether it is cotton in Mississippi, or corn in Iowa and Illinois, we have a series of circumstances in which unusual crop losses have occurred. That has led to a perverse result.

Farmers across the country are being presented with a bill to repay their advance deficiency payments and in many cases they have no crop with which to pay it back. What has happened is producers were paid an advance deficiency payment, prices rose because of these crop shortages and shortfalls and, as a result, farmers are expected to repay their advance deficiency payments. But those who have suffered a catastrophic loss have no

crop with which to make these repayments.

Mr. FORD. Mr. President, may we have order, please? The Senator deserves respect while we listen to this debate.

The PRESIDING OFFICER. The Senator will proceed.

Mr. CONRAD. Mr. President, this is no giveaway program. A farmer must have a loss of at least 35 percent. It is only on that part of farmers' production that is not eligible for crop insurance that would be allowed any forgiveness. There is a $2,500 cap per farmer. On a national basis, there is a $35 million limit. And it is all paid for. It is paid for by reducing the authorization for the Export Enhancement Program from $795 million to $717 million.

I just say to my colleagues, this year we had an $800 million authorization. We are going to spend less than $400 million of that. So I believe these funds are available for this purpose. It will allow farmers to get forgiveness on part of their advance deficiency payment in those circumstances where they have faced massive losses; in those circumstances where they have part of their crop that could not be covered by crop insurance. Where they could have gotten it covered by crop insurance, they are expected to have done so.

It is paid for. It is fair. It will relieve suffering as a result of the transition from previous disaster programs to no disaster program. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator from North Dakota last night offered this amendment. We talked about it a good bit. I was determined to come to the floor and move to table it and ask for the yeas and nays.

But he modified the amendment. He sent a modification to the desk and, by so doing, this amendment applies nationwide to farmers who have had weather-related disasters. I am confident that there are some situations where there ought to be an opportunity for some disaster assistance.

You may remember, I was on the floor arguing strongly for a cotton disaster program and the Senate did not approve it. I think one reason why they did not is that it was crop specific. This amendment does apply to all crops. It takes money from the Export Enhancement Program to do this. The payments are going to be capped at a $2,500 per farmer limit. It may even go less, because only $35 million is available nationwide. Depending upon the needs out there and the justifications for these payments to reimburse for advance deficiency payments where a farmer has not made a crop because of disaster, it may exceed $35 million. If it does, there will be a proration of that available money so each disaster victim may get less than $2,500.

I am going to vote for the amendment but I hope this has explained it to the extent Senators will know what they are voting on and understand the amendment.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think it is a bad amendment. I like farmers, but it is a little early for Christmas. We just did welfare yesterday, welfare reform, where we are dealing with low-income Americans. My view is, it is a great idea to give farmers $2,500. I think in my State they will understand if I vote "no."

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. If I might just conclude, I would like to say this is completely paid for. It is paid for out of farm accounts to another farm account where there is, I think, a clear need across the country, where producers have suffered a catastrophic loss, and where there was not the availability of crop insurance to cover that loss. To the extent there is crop insurance available, no payment is available.

Again, it is paid for completely out of other agricultural accounts.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina. Does the Senator yield time?

Mr. CONRAD. I think all time has expired.

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. CONRAD. I yield back my time.

The PRESIDING OFFICER. All time has expired.

The Senator from North Carolina.

Mr. FAIRCLOTH. I am opposed.

The PRESIDING OFFICER. The Senator will need consent to address this issue.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent for 30 seconds to address the issue.

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

Mr. FAIRCLOTH. I am opposed to the amendment. The Senator says the money is there. It came from the taxpayers. We are simply putting $35 million more into another program that we should not be putting money into. The fact we might have put it into some agricultural bill and we are now shifting it to another one makes no difference. We are simply spending $35 million of the taxpayers' money.

The PRESIDING OFFICER. All time has expired. The question now occurs on amendment No. 2698, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 448 Leg.]

YEAS—34

Akaka	Ford	Moynihan
Baucus	Grassley	Murray
Bingaman	Harkin	Pressler
Breaux	Heflin	Reid
Bryan	Hollings	Robb
Bumpers	Inouye	Rockefeller
Burns	Jeffords	Sarbanes
Cochran	Johnston	Simon
Conrad	Kassebaum	Stevens
Daschle	Leahy	Wellstone
Dorgan	Lott	
Exon	Moseley-Braun	

NAYS—64

Abraham	Feinstein	Mack
Ashcroft	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bond	Graham	Murkowski
Boxer	Gramm	Nickles
Bradley	Grams	Nunn
Brown	Gregg	Packwood
Byrd	Hatch	Pell
Campbell	Helms	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Shelby
Cohen	Kempthorne	Simpson
Coverdell	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Dole	Lautenberg	Thurmond
Domenici	Levin	Warner
Faircloth	Lieberman	
Feingold	Lugar	

NOT VOTING—2

Hatfield	Pryor

So, the amendment (No. 2698), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 2699 offered by the Senator from Arkansas [Mr. BUMPERS]. There will be 4 minutes for debate equally divided prior to the vote.

AMENDMENT NO. 2699, AS MODIFIED

Mr. BUMPERS. Mr. President, I ask unanimous consent for permission to send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2699), as modified, is as follows:

On page 65, line 18, before the period at the end, insert the following: ": *Provided further*, That funds made available under this Act to carry out non-generic activities of the market promotion program established under section 203 (e)(4) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) may be used to provide cost-share assistance only to organizations that are non-Foreign entities recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) or to associations described in the first section of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 22, 1922 (7 U.S.C. 291). *Provided further*, That none of the

funds made available under this Act may be used to pay the salaries of personnel who who carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) if the aggregate amount of funds and/or commodities under the program exceeds $70,000,000".

Mr. BUMPERS. Mr. President, I ask unanimous consent that Senator LEAHY be added as a cosponsor.

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

Mr. BUMPERS. Mr. President, I would like to have the attention of my colleagues because this will take just about 1 minute to explain to you what I have done on the Market Promotion Program.

I do not believe that it is defensible for the U.S. Congress to be giving money out to the biggest corporations in the world. I have no quarrel with the thrust of the Market Promotion Program.

So here is what I have done to that program. Four things: First, eliminate foreign corporations from eligibility; second, leave all the agricultural cooperatives as they are regardless of size eligible for the program; third, we cut the amount from $110 million to $70 million; and the coup de grace is make it a small-business program. Small businesses are the ones who have the most difficulty in exporting. It is not Gallo Wine. It is not Pillsbury. It is the small-business community.

So I make it small business, other than agriculture cooperatives. I make it a small-business program as defined by the Small Business Administration. While that varies, it is essentially a company that does $50 million a year or has 500 or fewer employees.

Here is a chance to make the program defensible. You can go home and talk to anybody you want to. Your farmers will love it because they stay eligible. Your small-business people love it because they will be eligible to export. Everybody else will love it because you are eliminating foreign corporations. And, finally, everybody will love it because we are cutting from $110 million to $70 million in the full knowledge that we are very likely to have to do some compromise with the House.

I thank the President.

I also ask unanimous consent that Senator KOHL be added as a cosponsor.

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

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

Let me just make this point. I have brought to the floor a chart showing the dollar value of agricultural exports by State. We are trying to aggressively go after market share with our agriculture commodities. We are trying to promote and expand the business that we are able to do in overseas markets, and we are making good progress. One of the reasons why we are is because of this program.

Senator BUMPERS and Senator BRYAN have tried to kill this program. They tried it back on April 6 when we had the supplemental appropriations and rescissions bill on the floor. The Senate rejected their amendment. Yesterday, it rejected an effort. Here is another amendment. This is an effort to rewrite the whole program that is under the purview of the Agriculture Committee. We should not be asked to do that on the floor of the Senate. The Senators are not that familiar with the details of the program, the eligibility, the restrictions, and the safeguards that are written in there already. In addition, this amendment reduces the mandatory spending level for this program. That is a decision for the Agriculture Committee to make. They are under a reconciliation instruction. I understand the Agriculture Committee is considering this change.

I yield the remainder of my time to the distinguished Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, this amendment does not do what and exempt what the Senator from Arkansas says it does. He exempts co-ops from his prohibition, but he does not exempt the associations, which is the way most of your farmers will operate. There is not any apple grower in the State of Washington, I do not believe, who is not small enough to be a small business, but when he operates through an association, as he does and as they always do, he will not be exempted from the cuts that the Senator is imposing on him, nor will our asparagus growers, nor will any of your farmers who operate in that fashion.

Mr. BUMPERS. Mr. President, I ask unanimous consent for an additional 30 seconds.

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

Mr. BUMPERS. The modification I just sent to the desk took care of the very thing that the Senator from Washington was complaining about.

Mr. COCHRAN. Mr. President, I ask unanimous consent that this rollcall vote be limited to 10 minutes.

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

Mr. COCHRAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 449 Leg.]

YEAS—36

Ashcroft	Frist	Moseley-Braun
Baucus	Gorton	Murkowski
Bennett	Gramm	Murray
Bond	Grassley	Packwood
Boxer	Hatch	Pressler
Campbell	Heflin	Shelby
Cochran	Helms	Simon
Craig	Hutchison	Simpson
Daschle	Kempthorne	Snowe
Domenici	Kerrey	Specter
Feinstein	Lott	Stevens
Ford	McConnell	Thurmond

NAYS—62

Abraham	Exon	Lieberman
Akaka	Faircloth	Lugar
Biden	Feingold	Mack
Bingaman	Glenn	McCain
Bradley	Graham	Mikulski
Breaux	Grams	Moynihan
Brown	Gregg	Nickles
Bryan	Harkin	Nunn
Bumpers	Hollings	Pell
Burns	Inhofe	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kennedy	Sarbanes
Coverdell	Kerry	Smith
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Lautenberg	Warner
Dole	Leahy	Wellstone
Dorgan	Levin	

NOT VOTING—2

Hatfield	Pryor

So the motion was rejected.

Mr. BUMPERS. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2699) was agreed to.

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

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

The motion to lay on the table was agreed to.

RURAL TOURISM IN ALASKA

Mr. STEVENS. Mr. President, I would like to engage my distinguished colleague, the senior Senator from Mississippi, in a colloquy concerning rural tourism in Alaska.

There are precious few opportunities for economic development throughout Alaska's 210 rural villages and communities, reflected by the fact that unemployment rates remain as high as 80 percent. Coupled with the geographical separation of these remote villages from other population centers, many Alaskans are denied access to the basic

goods and services that stimulate local economic development.

The single bright spot on the horizon relates to growing interest in a rural Alaska tourism industry. In response, Alaska Village Initiative has, for several years, sought to offset the decline of traditional economic sectors with effective support to the rural tourism industry. I am told that approximately $300,000 would be required to establish and operate a Rural Tourism Development Center, RTDC, the next critical step to assisting these Native Alaskan villages along the road to self-sufficiency.

The RTDC will provide a range of technical assistance services to rural communities and individuals interested in developing tourism projects in Alaska. It will be a "one-stop shop" to assist entrepreneurs in developing their ideas from start to finish. It will also coordinate a wide variety of existing Government programs engaged in some aspect of rural tourism development.

The Department of Agriculture funds rural enterprise grants to address just this sort of need nationwide. Since such a grant would appear to be highly justified, I ask the chairman of the subcommittee whether the necessary funds could be provided to establish and operate a Rural Tourism Development Center in Alaska?

Mr. COCHRAN. As the Senator from Alaska noted, the subcommittee did address rural development grants, but was unaware of the problem in Alaska. I appreciate the Senator bringing this problem to my attention. I urge the Department to give equal consideration to an application to address this problem as those included in the committee report.

Mr. STEVENS. I thank the chairman.

Mr. HEFLIN. Mr. President, the aquaculture industry is of vital importance to the economy of west Alabama. In some west Alabama counties, for example, over 20 percent of the total population is employed directly in the production or processing of fish. The Southeastern Fish Cultural Laboratory in Marion, AL has played a major role in this process. It's my understanding that there are similar facilities in Arkansas and Mississippi.

Mr. BUMPERS. It is true that aquaculture is of great importance to the States of Arkansas, Mississippi, and Alabama. In Arkansas, the aquaculture industry is growing by leaps and bounds and the Stuttgart Aquaculture Center has been vital to that growth.

Mr. COCHRAN. The same can be said about the National Warm Water Aquaculture Research Center in Stoneville, MS. The expansion of the aquaculture industry in Mississippi, and the Nation has been responsible for sustaining rural economies that were recently in dire situations.

Mr. HEFLIN. We now have an annual trade deficit in fisheries products ranging from $4.5 to $7 billion. This trade imbalance is the largest of all agricultural commodities and ranks second only to petroleum among natural products. Our domestic aquaculture industry has the potential of turning this trade deficit into a trade surplus with only modest support and encouragement.

Mr. BUMPERS. While it is true that overall, agriculture has a positive balance of trade, the aquaculture sector does not. At the present time, the United States does not have the production capabilities to meet domestic demand for fish and fish products and therefore we are placed in the position that we are forced to import to meet the domestic demand. The aquaculture industry has the opportunity to turn this situation around and we should facilitate this process.

Mr. COCHRAN. Not only do we have the opportunity to turn our trade situation around relative to aquaculture, there is also a real human factor to be considered as well. Nearly 300,000 Americans are employed in aquaculture related work. The catfish industry alone accounts for 121,000 domestic jobs and nearly $2.5 billion in income. If we are able to facilitate the growth of this industry, the economic impact potential is overwhelming.

Mr. HEFLIN. As my colleagues from Mississippi and Arkansas are well aware, the U.S. aquaculture industry has grown more than 15 percent annually since 1980. As a result, aquaculture has emerged as a solid alternative agricultural opportunity and has allowed farmers to diversify. The research and extension infrastructure has been a major resource for aquaculture. Without this research it is doubtful that the aquaculture industry would have gotten off the ground.

Mr. COCHRAN. I could not agree more with my distinguished colleague and Alabama. The research that has supported the growth of this industry has been essential.

Mr. BUMPERS. Aquaculture is primed to take the next step forward and establish itself as an integral and vital form of agriculture. What aquaculture needs now is to be consolidated and coordinated under one department—the U.S. Department of Agriculture. Currently jurisdiction for aquaculture is spread out among the USDA, the Department of Interior, and the Department of Commerce. The Agriculture Research Service could truly assert itself in this regard if the U.S. Department of Agriculture is allowed to assume a leadership role in aquaculture.

Mr. HEFLIN. In an effort to facilitate the continued growth of the aquaculture industry and provide the necessary resource tools, it is highly desirable that all relevant departments and agencies of the U.S. Department of Agriculture, including Agricultural Research Service, take steps necessary to support research in the field of aquaculture and particularly to exercise its authority to assist and help the industry and related fields of aquaculture including the cooperation with and/or the assumption of fish culture laboratories including the Southeastern Fish Culture Lab at Marion, AL.

Mr. COCHRAN. I agree that the suggestion by Senator HEFLIN is desirable and should be carried out as long as it does not result in duplication of ongoing research activities at other research facilities.

Mr. BUMPERS. I concur in what Senator COCHRAN has just said.

CERTIFIED MEDIATION PROGRAMS

Mr. CONRAD. Mr. President, I note the chairman and ranking member of the subcommittee are on the floor. H.R. 1976 provides funding of $3,000,000 for grants to certified State mediation programs. Mediation is a proven effective tool in resolving disputes between the Department of Agriculture and America's farmers and ranchers. And as you know, mediation has been used for quite some time with regard to loans.

However, current law [7 U.S.C. sections 5101 through 5106] also directs certified State mediation programs to offer mediation in other areas of dispute with the Department of Agriculture. These areas include wetlands determinations, compliance with farm programs, including conservation programs, agricultural credit, rural water loan programs, grazing on National Forest System lands, pesticides, and other issues as the Secretary of Agriculture considers appropriate.

Mr. BUMPERS. The Senator is correct. The statute provides that certified State mediation programs are to be used for a wide variety of disputes with the Department of Agriculture. And as the law provides, in States with certified mediation programs, the Secretary of Agriculture is required to participate in "good faith" with certified State mediation programs.

Mr. CONRAD. While the legislation is clear, there is a question regarding the Senate Committee's report language of H.R. 1976. The report language states: "Grants will be solely for operation and administration of the State's agricultural loan mediation program." Is it the committee's intent that federal funding not be used for other issues covered by the certified State mediation program?

Mr. BUMPERS. No. It was not the committee's intent to limit the activities of the certified State mediation programs as currently allowed by statute.

Mr. CONRAD. Therefore, it is my understanding that the report language should not be read to limit or exclude

activities of the certified State mediation programs that are currently described in the statute. The grants shall be used by certified State mediation programs in a manner which is consistent with 7 U.S.C. sections 5101 through 5106.

Mr. COCHRAN. The Senator is correct. The report language should not be read to limit the activities of the certified State mediation programs which receive grants from the Federal Government.

Mr. CONRAD. I thank the Senators for clarifying the report language with regard to certified State mediation programs.

TOURISM AMENDMENT

Mr. FEINGOLD. Mr. President, last night an amendment I had proposed to H.R. 1976 was adopted unanimously by the Senate. I thank the managers of this bill, the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arkansas [Mr. BUMPERS] for their assistance and cooperation in this matter. I also wish to thank the chairman and ranking member of the Agriculture Committee for their help and guidance on this very important rural development issue intended to clarify that tourist and other recreational-type businesses located in rural communities are eligible for loans under the Rural Business and Cooperative Development Service's [RBCDS] Business and Industry [B&I] Loan Guarantee Program, funded in this bill in the Rural Community Advancement Program.

This is an issue that I first became aware of, and especially interested in, after a constituent approached me late last summer at the Rusk County listening session I held at Mount Senario College in Ladysmith, WI. The constituent owns a tourist lodge in northern Wisconsin and expressed his deep frustration at a problem Wisconsin tourist resort owners were having in attempting to obtain financing for rural development. Specifically, this constituent was interested in obtaining funding from the B&I Program to build an 18-hole golf course next to his lodge, but was told that recreational facilities were prohibited from receiving funding under the program. Concerned by this information, I decided to contact the Agency about the program. What I since learned is a clear illustration of why so many Americans are frustrated with the Federal Government.

The B&I Program was established by the Rural Development Act of 1972 with the aim of improving America's rural economy by creating, developing, or financing business, industry and employment in rural America. When the B&I Program was first established, no restrictions were placed on guaranteeing loans to tourist or other recreational-type businesses located in rural communities. However, on July 6, 1983, the Rural Development Administration revised its internal lending policy relative to the B&I Program and placed restrictions on the program's regulations by prohibiting such funding to tourist or recreation facilities. As a result, currently these loan guarantees are not made available to tourist or other recreational-type businesses.

This policy does not make too much sense to me especially since tourism can definitely play a major role in the development of rural areas. In fact, nationally tourism is a $400 billion industry, and is a $5.6 billion industry in Wisconsin alone. After initially contacting the RBCDS in September of last year, I was advised that the Agency was currently undergoing a review of its loan guarantee policy. I urged the Agency to consider changing its internal lending policy to allow guaranteed business and industry assistance to be made to recreational-type businesses located in rural areas. I want to make it clear that this policy is not the result of any restriction in the authorizing statutes, but rather an agency decision to restrict such funds.

In fact, a General Accounting Office [GAO] report released in July 1992 on the patterns of use in the B&I Program came to the same conclusion. It suggests that the B&I Program is underutilized, which is due in part to the Agency's current restrictions on using B&I funds for activities related to tourism. Furthermore, the GAO recommends revising the B&I program regulations to allow the selective use of loan guarantees for these activities.

All indications are that the Agency seems to be leaning in favor of adopting these changes. I ask unanimous consent that two letters I have received from the RBCDS indicating they "intend" to remove these restrictions, one dated October 14, 1994 and the other dated July 14, 1995, be printed in the RECORD.

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

U.S. DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT ADMINISTRATION,
Washington, DC, October 14, 1994.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: Thank you for your letter concerning the availability of Rural Development Administration (RDA) loan guarantees for tourist resorts located in rural communities. RDA programs are administered at the local level by the Farmers Home Administration.

On July 6, 1983, the RDA Business and Industry (B&I) loan guarantee program regulations were revised and restrictions were placed on guaranteeing loans for tourist, recreation, and amusement facilities. A recent study by the General Accounting Office recommended that the agency revisit this issue. As a result, RDA is considering developing regulations that would allow loan guarantees in connection with certain types of tourist and recreation enterprises.

The purpose of the B&I program is to create jobs which will improve the economic climate in rural communities and provide lasting community benefits. You may be assured that your comments in support of this purpose will be taken into consideration.

We appreciate your support for this program and hope that you find this information helpful.

Sincerely,

WILBUR T. PEER,
Acting Administrator.

U.S. DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT ADMINISTRATION,
Washington, DC, June 14, 1995.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: Thank you for your letter regarding the proposed changes to the Business and Industry (B&I) loan guarantee program. As you know, under the Department of Agriculture reorganization, this program is administered by the Rural Business and Cooperative Development Service (RBCDS). We appreciate learning of your concern and regret the delay in responding to your inquiry.

We appreciate your interest in our programs and are pleased to have the opportunity to respond to your concerns. As you note, tourist, recreation, and amusement facilities are currently ineligible loan purposes under the B&I program. However, a study by the General Accounting Office recommended that the Agency revisit the issue of making loans for these purposes and, as a result, RBCDS is developing regulations that would allow loan guarantees in connection with certain types of tourist and recreation enterprises.

The proposed draft regulation would remove restrictions placed on guaranteeing loans to hotels, motels, tourist resorts, beds-and-breakfasts, convention centers and other business involved in recreational services that meet certain standards. However, the regulation will continue to prohibit loan guarantees for golf courses, race tracks and other gambling facilities.

Currently, the regulations changes are being reviewed by our Office of the General Counsel. Unfortunately, we cannot predict with any certainty when the final regulations will be published in the Federal Register.

Again, we appreciate your continued interest in our programs and hope that this information is helpful to you. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

DAYTON J. WATKINS,
Acting Administrator, Rural Business and Cooperative Development Service.

Mr. FEINGOLD. Mr. President, it has been over 3 years since the GAO made its recommendations and over a year since I first contacted the RBCDS about this matter. However, rural America and, in particular, rural Wisconsin communities simply do not have the luxury to wait until Federal agencies finally decide to act.

Mr. President, rural America is indeed at a crossroads in terms of converting from traditional resource-based economies which are becoming less economically viable, to other types of activities which also make a substantial contribution to better living in these areas. Tourism can certainly play a major role in improving the

quality of life in many rural communities and, in fact, rural tourism should be recognized for what it truly is—a legitimate means to enhance economic development in, and the copmetitiveness of, rural America.

Tourism can, and does, create jobs which help to improve the economic climate in rural communities and provide lasting community benefits. However, without economic assistance to help stimulate growth in rural development, any such successful transition to tourism may prove difficult. That is why the Government must act, and act in a timely fashion, to assist the economies of rural America.

Mr. President, this matter is of importance to rural America. This amendment is not controversial, and will have no budgetary impact. It simply clarifies that tourist and other recreational-type businesses located in rural communities are eligible for loans under the B&I program. I urge my colleagues to support this amendment, and move for its immediate consideration. I thank the Chair, and I yield the floor.

Mr. DOMENICI. Mr. President, I rise to address the Department of Agriculture and Related Agencies appropriations bill for fiscal year 1996.

The Senate-reported bill provides $63.1 billion in new budget authority [BA] and $45.6 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies.

All of the funding in this bill is nondefense spending. This subcommittee received no allocation under the crime reduction trust fund.

When outlays for prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $63.2 billion in BA and $52.8 billion in outlays for fiscal year 1996.

The Senate Agriculture Appropriations Subcommittee 602(b) allocation totals $63.2 billion in budget authority [BA] and $52.8 billion in outlays. Within this amount, $13.3 billion in BA and $13.6 billion in outlays is for discretionary spending.

Mr. President, there are two issues that I would like to highlight. One deals with a scoring issue and reconciliation, and the other relates to disaster assistance.

SCORING ISSUE

Mr. President, this bill includes mandatory savings to offset discretionary spending. I would caution the committee against including such savings in this bill.

As you know, this is an historic year in which we have set forth a plan to balance the budget in 7 years. The budget resolution contained reconciliation instructions that would cut mandatory spending by more than $600 billion over the next 7 years.

The authorizing committees already have a very difficult job to meet this target. These committees need the maximum flexibility to achieve these very significant deficit reduction savings.

When mandatory savings are included in appropriations bills, it is generally to offset discretionary spending, rather than to achieve savings for deficit reduction.

There are six provisions in this bill which result in mandatory savings totaling $521 million in BA and $381 million in outlays—some of which will be used in reconciliation.

One example is the freeze on the food stamp standard deduction at the 1995 level, which is also in the welfare reform bill now before the Senate. This provision saves $190 million in both BA and outlays in fiscal year 1996.

Because welfare reform is likely to be included in reconciliation, this provision will count toward the reconciliation instruction of the Senate Agriculture Committee.

We made a commitment this year to deficit reduction. We cannot accomplish this goal by double-counting savings in both appropriations and reconciliation bills.

The House struck most of the provisions from its bill at the insistence of the leadership and on behalf of the authorizing committee because the House fully intends most of these savings to be included in the reconciliation bill.

Mr. President, I ask unanimous consent that a letter from the chairman of the House Agriculture Committee outlining the need for the authorizing committees and appropriations committees to respect the jurisdictional parameters on mandatory and discretionary spending be inserted in the RECORD at this point.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 18, 1995.

Hon. PETE V. DOMENICI,
Chairman, Senate Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: During consideration of its 1996 Agriculture Appropriations bill, House Appropriators and Authorizers went through a very difficult and exhausting round of talks on the issue of mandatory and discretionary spending authority. Accordingly, in an agreement worked out by the House Leadership, the agriculture authorizing committee was directed to stay within the bounds of mandatory spending accounts and the agriculture appropriations subcommittee within the parameters of discretionary spending accounts.

It is my understanding that you are faced with a similar situation in several of the FY 96 appropriation bills coming before the Senate. I would have to agree with you that in addition to the leadership generated accord on this issue in this body, it has indeed been a gentleman's agreement that the appropriators do not steal from the authorizers and the authorizers do not steal from the appropriators. At a time when funds are diminishing rapidly in both the discretionary and mandatory side of the agriculture equation, each committee is being required to reform and drastically reduce its funding. Thus, intrusions by the various committees into accounts not under their purview are particularly harmful to the budgetary and policy reform process.

With this in mind, I was disappointed to learn that not only has the Senate Appropriations Committee chosen to disregard the will of the House on the issue of mandatory and discretionary spending, they have done so to the tune of over $800 million. This not only disregards sound fiscal and budgetary policy, but it also threatens real reform of agriculture programs and the efforts of this committee to reform mandatory entitlement spending.

I appreciate your tireless efforts to reduce the budget deficit and bring sanity to the federal budget. I want to pledge to you the full support of my committee and our colleagues in the House who represent rural districts and enlist your support in opposing any agriculture appropriations bill that contains spending cuts by the appropriations committees to mandatory programs.

With best regards.

Sincerely,

PAT ROBERTS,
Chairman.

Enclosure.

AGRICULTURE SUBCOMMITTEE

[Spending totals—House-passed bill (fiscal year 1996, in millions of dollars)]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		3,751
H.R. 1976, as passed by the House	13,310	9,841
Scorekeeping adjustment		
Subtotal nondefense discretionary	13,310	13,592
Mandatory:		
Outlays from prior-year BA and other actions completed	501	3,337
H.R. 1976, as passed by the House	48,721	35,750
Adjustment to conform mandatory programs with Budget. Resolution assumptions	620	90
Subtotal mandatory	49,842	39,177
Adjusted bill total	63,152	52,769
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	13,310	13,608
Violent crime reduction trust fund		
Mandatory	49,842	39,177
Total allocation	63,152	52,785
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	0	−16
Violent crime reduction trust fund		
Mandatory		
Total allocation	0	−16

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I am concerned that the authorizing committees will not have full flexibility if appropriation bills continue to use mandatory savings to offset discretionary spending.

I would hope that the authorizing and Appropriations Committee would resolve this issue in conference.

CROP INSURANCE

The Senate-reported bill includes $41 million in an hoc disaster assistance for the 1995 crop of cotton that was adversely affected by insect damage.

I would like to remind everyone that a $5 billion baseline adjustment was made last year to accommodate crop insurance reform, which was enacted into law.

The crop insurance reform was supposed to replace the system of providing assistance through ad hoc disaster legislation.

On August 25, 1994, I stated on the Senate floor that the crop insurance reform will only work if Congress restrains itself from providing future ad hoc disaster assistance.

I also said this will be difficult based on past experiences. What I have said has come true, and I believe that this is the beginning of the end of the newly reformed crop insurance program if we continue along the path that the Senate-reported bill has taken.

The administration strongly objects to this provision in the bill stating that it is in direct conflict with one of the major tenets of last year's crop insurance reform, namely, that farmers would be discouraged from risk-management through crop insurance as long as Federal crop disaster payments were continually provided on an ad hoc basis.

Mr. BINGAMAN. Mr. President, I rise today to indicate that I intend to vote for H.R. 1976, the Agriculture Appropriations Act of 1995.

I believe that H.R. 1976 is a reasonable piece of legislation that establishes adequate funding levels for one of the most important segments of our Nation's economy, the American farm and farmer.

While I intend to vote for this legislation, I remain very concerned by the actions of the Senate last night in approving the amendment offered by our colleague from Alaska, Senator STEVENS, to direct the Secretary of Agriculture to take away from the Under Secretary for Natural Resources and Environment any responsibility in the areas he now administers relating to forest management.

As many of my colleagues who opposed this amendment have noted, we here in the Senate often disagree vehemently on matters of policy. I have disagreed with my Republican colleagues in the Senate, and I have disagreed with my Democratic colleagues in the Senate. I have disagreed with both Democratic and Republican administrations. However, Mr. President, I am concerned that, in adopting the amendment by the Senator from Alaska, we have crossed the boundary of reasonable policy differences. I am afraid that we have strayed into an area where when we disagree with someone in the Administration, we can simply come to the floor and in essence fire that person. Mr. President, that is a dangerous and, I think, wrong precedent to be setting. Congress should let the executive branch direct the internal, personnel affairs of the executive branch. That is the system that the Constitution establishes and we should not try to undermine that by legislative fiat.

Again, Mr. President, I will vote for the agriculture appropriations bill, however, it is my sincere hope that the conference committee will remove the language added by the Senator from Alaska s amendment. If not, I will have serious concerns about being able to support the conference report.

LAND GRANT FUNDING FOR TRIBAL COLLEGES

Mr. DORGAN. Mr. President, I am pleased to offer my strong support for the amendment offered by my colleague from New Mexico. This amendment would provide $8.15 million in funding for extension, education and capacity-building programs for the 29 tribal colleges in this country.

The programs authorized under the Equity in Education Land-Grant Act of 1994 for fiscal year 1996 include a $4.6 million endowment payment for tribal colleges, which currently serve nearly 25,000 students. However, the law also authorized $1.45 million for curriculum strengthening grants, the $1.7 million for competitive capacity building grants, and the $5 million for extension programs—and these critical areas remain unfunded.

Land grant status has created new opportunities for tribal colleges and for the people served by them. To date, billions of dollars in land-grant programs for rural America have produced tremendous educational and economic benefits, but Indian lands have received very little. This makes no sense. Large amounts of Indian agricultural land is idle or underdeveloped, largely due to a lack of adequate agricultural training on reservations. And since 75 percent of 54.5 million acres of Indian land in this country is agricultural, a critical component of long-term economic self-sufficiency of tribes is helping people on reservations receive the training they need to use this land to its potential.

Tribal colleges, such as Turtle Mountain Community College in Belcourt, ND, can provide this training. Even though they are located in areas where unemployment ranges from 45 to 86 percent, tribal college graduates are employed at rates of 74 to 85 percent—which means these graduates have contributed millions of dollars in Federal taxes and provided leadership in their communities.

The need for agriculture training is extremely high on reservations, but it has not been met to date. And if tribes are to develop their natural resources and become more economically self-sufficient, we must meet that need. That is why I am pleased to support the Bingaman amendment, and I hope my colleagues will do the same.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. Mr. President, I am going to ask unanimous consent—we are probably not going to take any time for debate before the vote on final passage. I ask unanimous consent there be 10 minutes available for concluding remarks before the vote on final passage. I do not expect that to be used, but I put that request.

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

Mr. COCHRAN. Mr. President, I yield back the remainder of the time on this side.

I ask for the yeas and nays, and I ask unanimous consent that this vote be limited to 10 minutes.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is the remaining time yielded back?

Mr. BUMPERS. I yield back such time as I may have remaining.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 450 Leg.]

YEAS—95

Abraham	Dodd	Kassebaum
Akaka	Dole	Kempthorne
Ashcroft	Domenici	Kennedy
Baucus	Dorgan	Kerrey
Bennett	Exon	Kerry
Biden	Faircloth	Kohl
Bingaman	Feingold	Lautenberg
Bond	Feinstein	Leahy
Boxer	Ford	Levin
Bradley	Frist	Lieberman
Breaux	Glenn	Lott
Brown	Gorton	Lugar
Bryan	Graham	Mack
Bumpers	Gramm	McConnell
Burns	Grams	Mikulski
Byrd	Grassley	Moseley-Braun
Campbell	Gregg	Moynihan
Chafee	Harkin	Murkowski
Coats	Hatch	Murray
Cochran	Heflin	Nickles
Cohen	Helms	Nunn
Conrad	Hollings	Packwood
Coverdell	Hutchison	Pell
Craig	Inhofe	Pressler
D'Amato	Inouye	Reid
Daschle	Jeffords	Robb
DeWine	Johnston	Rockefeller

Santorum	Smith	Thompson
Sarbanes	Snowe	Thurmond
Shelby	Specter	Warner
Simon	Stevens	Wellstone
Simpson	Thomas	

NAYS—3

Kyl	McCain	Roth

NOT VOTING—2

Hatfield	Pryor

So the bill (H.R. 1976), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments to H.R. 1976 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The motion was agreed to; and the Presiding Officer (Mr. CAMPBELL) appointed Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to compliment the good effort of all of the members of our committee and our staffs for the work they have done in preparing this bill, in getting it to the floor and handling the bill and answering questions, and my colleagues' dealing with amendments and all of the things that go into managing a bill on the floor of the Senate.

We appreciate the cooperation of all Senators in getting the bill passed in a timely fashion.

I especially want to single out for praise the staff members of this subcommittee: Rebecca Davies, Hunt Shipman, Jimmie Reynolds, Galen Fountain, and Carole Geagley. We thank them very much for their hard work and their expert assistance.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 2708

The PRESIDING OFFICER. The Chair would note the pending question now is the Brown second-degree amendment to the committee on page 16 of H.R. 1868.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I may proceed for about 7 or 8 minutes in morning business.

Mr. BROWN. Reserving the right to object, Mr. President, I will not object, but the distinguished Senators were concerned about the Pakistan amendment I have offered. I will make available an intelligence briefing to Senators in the near period.

I will not object to this, but I do want the Senate to know that I believe Senator LEVIN from Michigan and others will arrange for an intelligence briefing related to this, and those interested should contact Senator LEVIN for that briefing. I think that may speed it up.

I do not object.

Mr. MCCONNELL. Mr. President, will the Senator yield? I inquire of the Senator from Colorado whether he objects to our temporarily laying aside his amendment and taking up other amendments?

Mr. BROWN. The concerns expressed by Senator LEVIN and Senator GLENN do request some additional time for this briefing. I think it would be only due courtesy to them to allow some additional time, so I will not object to moving ahead with the D'Amato amendment.

Mr. GLENN. Reserving the right to object, and I will not object, it is a little premature to say we have this set up or to imply we do because we do not have it set up. We do not know whether we can get the proper official to do the briefing. We will arrange that as fast as we can and let everybody know about that.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from New Jersey for 7 minutes under morning business?

Hearing no objection, the Senator is recognized.

FDA SHOULD REGULATE TOBACCO

Mr. LAUTENBERG. Mr. President, I wanted to take a little time to comment on some legislation that was introduced this morning by my colleague, friend, and distinguished Senator from Kentucky earlier this day, having to do with tobacco.

Mr. President, let me begin by commending the Senator from Kentucky for his acknowledgment that smoking is a serious public health problem among our young people.

Senator FORD's legislation seeks to curb advertising directed at young people and to limit children's access to tobacco. These are important goals. However, I strongly oppose the provision in the Senator's legislation that would seek to strip the FDA from asserting its authority to regulate tobacco products.

Mr. President, nicotine is an addictive drug. This has not only been proven by a number of scientific studies, but was also revealed in confidential industry documents in the past year.

Consider the following statement contained in an industry document by an official with the Brown and Williamson Tobacco Company. It said, "Moreover, nicotine is addictive. We are then," he goes on to say "in the business of selling nicotine, an addictive drug." Mr. President, this is directly from the tobacco industry.

Now, last month President Clinton took a bold step to fight teenage smoking. He stood up to the industry, the tobacco industry, and he did the right thing. He deserves a lot of credit. President Clinton took the side of parents, American parents. They do not want their children smoking. Neither do I and neither do most here.

The President is targeting smoking by teenagers, and I agree with this approach. It goes right to the source of the problem, especially if you consider the following: 3,000 children start smoking every day. More than 80 percent of all smokers had their first cigarette before the age of 18. If a child does not smoke before age 18, it is very unlikely that they will become a smoker in their adult life.

More than half of all adult smokers had already become addicted regular smokers before they were 18 years of age.

It is clear that smoking is a pediatric disease that ultimately contributes to over 400,000 deaths a year, enormous financial costs, terrific family dislocation and puts a burden on us that continues to add problems to our deficit.

Unfortunately, it is getting worse. Between 1991 and 1994, the percentage of eighth graders who smoked increased by 30 percent. The percentage of 10th graders who smoke increased by 22 percent.

Mr. President, we need the FDA to help us fight this major public health problem. Nicotine is an addictive drug, and the FDA is supposed to regulate addictive drugs. There is no reason to make a special exception for the tobacco industry.

Mr. President, it would be a terrible mistake to tie the agency's hands in this critical area. We need a strong watchdog to ensure compliance with the President's initiatives. We also have to be prepared to take additional steps to reduce teenage smoking. The FDA has a critical role to play.

Mr. President, ensuring compliance with President Clinton's new initiative is not going to be easy. In fact, I now have seen firsthand how easy it is for children to purchase tobacco products. In New Jersey, we have fairly strict rules on the ability to purchase tobacco by those underage. I went on a New Jersey Health Department compliance check in a couple of towns in New Jersey with two 17-year-olds. We went to 10 places to purchase cigarettes. These minors were able to purchase cigarettes at all 10 locations without a question, whether it was a machine which was supposed to be controlled by the management of the store of the location or whether it was directly over the counter.

This is outrageous, Mr. President. The products they were able to buy—and this is not to single out a particular brand because that is irrelevant—but the products are the ones that we commonly see, the better advertised, the more popular. They just happen to be there; some of them had room on the counter. You did not even have to look at the clerk to buy them—just get up and pay for them, no questions asked.

Mr. President, I think it is obvious keeping tobacco away from young people is going to be very difficult. We need the FDA to help lead that battle.

Now, unfortunately, the legislation of our distinguished colleague from Kentucky will strip them of the power needed to respond to this public health crisis. I intend to strongly oppose the proposal and to fight as hard as I can to protect the health and well-being and the futures of our young people.

I yield the floor.

Mr. FORD. Mr. President, I ask unanimous consent I might proceed as in morning business for 5 minutes.

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

Mr. FORD. Mr. President, the distinguished Senator from New Jersey and I are friends, and we disagree in some respects on this one particular item. One point I would like to make to the distinguished Senator is that I have made an extra effort to put forward legislation that would do what he wants to do. He does not have any penalty in what he is talking about. Under my bill, if it was law, those clerks would have a penalty. It would be a double penalty. And I think we would stop them. At least they would think before they would sell to possible underage people, or teenagers.

So, what we have attempted to do here is not move in and tell an adult—make a decision for him. As I said earlier, one of the things we pride ourselves in is to try to keep Big Brother out of our business. Senator after Senator after Senator has stood on this floor and fussed about FDA. They are not completing their business. They are not getting the job done. They are not approving drugs for the elderly. They are not doing all this. I can go back and give you page after page after page.

Now they want to take on this huge responsibility, additional responsibility. And we already have the mechanism to do it: The Federal Trade Commission and Health and Human Services. We already have the vehicle. Why create another bureaucracy? And why should I tax you, indirectly, and say, "You give me money so I can put you out of business." They want $150 million a year.

My distinguished friend from New Jersey is proud of the fact that he took a small business and built it into a very large business. But if Government had said to him, "Give me money so we can put you out of business," I do not believe the Senator would have liked that a bit.

He will say there is a difference between his product and the one we are discussing here today. That is fine. But the principle is still the same. So we take the vending machine law, the strongest one in the country, and say that if you break this law then the States and the principals are fined; they are double. And we have the mechanism to do it right now. So the constitutional question that we have is another problem, as to the content of the advertisement.

I am not going to be voting for an additional tax. I do not believe my friend from New Jersey will vote for an additional tax either. I hope we listen to him as he talks about the additional smokers per day. Every day we delay here, every day we say we are not going to help FORD pass his legislation, means that it is another day's delay. We could do it today rather than tomorrow. I think I have tried my best. But best is, apparently, not good enough.

So the FDA is just adding another layer of bureaucracy. They are asking for money, under their regulations. Lord knows how they are going to get it without an act of Congress. The constitutional question on first amendment rights—they have sent the lawyers from the manufacturers and advertising groups all to the courts the same day. So that will be in the courts for years and years and years.

So what is happening here, if we can pass my legislation we can get to the root of the problem. We banned advertising around schools. We banned the use of tobacco in movies. We banned the use of tobacco of any form in videos or amusement areas. But we do not say that an adult does not have a choice.

So what we are getting ready to do here, in the guise of protecting teenagers, is to go to prohibition. That is my problem. I am trying to be helpful. I am trying my best to be helpful. If he was in my place, I think he would be doing the same thing. But he says he is not and I understand that.

But rights are rights. When you become of age you have a right to make a choice in this country. Let us stop them under 18. I am for that, and my legislation will do that. If we just get a little help, instead of delaying the implementation of this law—I think we ought to go ahead and pass it so we can stop, sooner than later, teenage smoking in this country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, in just a couple of minutes, one of the things that happens to us occasionally on this floor is that we have to argue with friends for whom we have respect and admiration because we disagree. I must give the distinguished Senator from Kentucky credit because he has worked cooperatively to try to reduce the exposure for young people to tobacco, recognizing along the way, obviously, the possibility exists that it could be—I do not want to put words in his mouth, but his legislative proposal suggests it could be addictive. So it is a long step along the way. I thank him and I respect the Senator from Kentucky's legislative perspective here.

I would say that I believe the FDA involvement is essential to the success of the program of curbing teenage smoking. I do appreciate and understand the position that the Senator from Kentucky is in. He is concerned about the farmers in Kentucky who grow tobacco, those who process the product, and I know he has long been an advocate of trying to make a sensible approach to the marketing of tobacco products without curtailing people's decisionmaking. I respect that.

But, Mr. President, I really do think the only way to make this an effective battle against teenage smoking is to include the FDA, to give them the responsibility as they would have for any other addictive drug, and to pursue the course of action proposed by the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I ask if the pending amendment has not been set aside, the Brown amendment be set aside for purposes of my offering an amendment, at which time the amendment will recur.

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

AMENDMENT NO. 2709

(Purpose: To limit Economic Support Fund assistance to Turkey, and for other purposes)

Mr. D'AMATO. 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 New York [Mr. D'AMATO], for himself, Mr. PRESSLER, Mr. SARBANES, and Ms. SNOWE, proposes an amendment numbered 2709.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. . Not more than $21,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey.

On page 11, line 10, before the period at the end of the line, insert the following: ": *Provided further*, That $10,000,000 of the funds made available under this heading shall be transferred to, and merged with, the following accounts in the following amounts: $5,000,000 for the Department of the Treasury, and $5,000,000 for the Department of Justice, to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses".

Mr. D'AMATO. Mr. President, I offer this amendment on behalf of Senator PRESSLER, Senator SARBANES, Senator SNOWE and myself. I rise to propose an amendment to the foreign operations bill, which will help restore credibility to our foreign assistance program by ensuring that one of the largest recipients of United States aid, the Republic of Turkey, adheres to internationally accepted standards for human rights and humanitarian practices.

My amendment will cap at $21 million the amount of economic support funds that the United States gives to Turkey. Ten million dollars in savings by capping these funds would then be appropriated by $5 million each to the Treasury and the Justice Departments to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

I am very pleased, and I want to commend the subcommittee, which has appropriated funds for the FBI with the same purpose. I want to make sure that there are enough funds to support the Treasury Department and other Justice Department activities in this area as well.

Mr. President, let me make it clear that this amendment does not restrict United States military aid to Turkey. It does not restrict. But what I am attempting to do is send a message that the United States will no longer tolerate the human rights abuses in violation of international law that Turkey has and is conducting.

This year the Turkish Government will receive $320 million in military aid from American taxpayers to address its security needs. In total, Turkey will receive $366 million. My amendment will bring this total to $341 million.

The time has come after years of fruitless so-called quiet diplomacy for the Congress to take the lead in addressing a broad range of issues dealing with Turkey. Let me go over some of them.

One, worsening human rights records; two, its continued blockade of humanitarian supplies to Armenia. It is incredible in this day and age that humanitarian supplies are being blocked to Armenia. Three, its refusal to work toward a lasting and equitable settlement in Cyprus, a situation that has been permitted to exist year after year after year; four, its denial of basic rights to its Kurdish minority.

In each of these areas, Turkey has consistently violated international treaties and agreements to which it is a signatory. Among these are the U.N. Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the European Convention on Human Rights.

Mr. President, the Congress in the fiscal year 1995 foreign aid bill withheld 10 percent of the principal amount of direct loans for Turkey based on its human rights record and the situation in Cyprus. The Turkish Government has spoken clearly on that issue. It will reject any U.S. aid tied to its human rights record. It is clear, given the Turkish Government's response, that we must deal differently with Turkey on this subject.

On the question of human rights we need only to look at the State Department's recently released 1995 Country Reports on Human Rights. What does it say? We see that years—and even decades—of behind-the-scenes efforts by the State Department have not produced any improvement in the human rights situation in Turkey. This report concludes in fact that "the human rights situation in Turkey has worsened in 1994."

Mr. President, this is our Government's report, the State Department's report. This is not a report of the Senator from New York, or a conclusion that I have come up with. It is our Government's report. Again, the human rights situation in Turkey has worsened significantly in 1994.

Mr. President, do we reward them with aid? The full spectrum of human rights monitoring organizations have condemned Turkey for its systematic and widespread abuse of human rights, including the use of torture. Amnesty International, Human Rights Watch, the U.N. Committee Against Torture, the European Parliament, and others go on and on in their condemnation of their systematic deprivation of basic human rights.

Let us talk about Kurdish rights and the Kurdish problem. Nowhere is the case for cutting off aid to Turkey more compelling than the question of the Turks. To this day, Turkey continues to deny the very existence of its 15 million Kurdish citizens. Their military has systematically emptied over 2,000 Kurdish villages and uprooted over 1 million Kurdish citizens from their homes. This is not to mention the recent incursion into northern Iraq against the Kurds.

The Turkish Government's systematic and deliberate campaign to eradicate the Kurdish identity within its borders is in many ways the high-technology murder, massacres, and deportations of Armenian genocide earlier this century.

The question of Cyprus remains unresolved. Twenty-one years after Turkey illegally, in 1974, invaded the island nation, despite countless U.N. resolutions and international agreements, Turkey continues its illegal military occupation and obstructive efforts toward a peaceful settlement. The division of the island and the massive uprooting of the Greek Cypriots caused by the 1974 invasion remains a constant reminder of the failure of the international community to enforce a lasting and equitable resolution to the conflict. Turkey still must demonstrate its support for a settlement recognizing the sovereignty, independence, and territorial integrity of Cyprus with a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights.

Mr. President, nowhere is the case more compelling for our stopping assistance—this does not relieve some assistance, but I believe it is a very reasonable course—than the case of what Turkey is doing today to Armenia. The failure of quiet diplomacy—that is what the State Department talks about—is no more evident than in the case of the Turkish blockade of humanitarian aid to Armenia. How in this day and age, in 1995, can we countenance Turkey refusing to permit humanitarian aid to a nation and to its people? It is in violation of all international law. It is in defiance of the United Nations. Yet they continue to blockade the borders with Armenia.

How long has this taken place and gone on? For 2 years. For 2 years the Turkish Government has refused to allow desperately needed United States and other international assistance to reach the people of Armenia. Even the United States of America—even planes from the United States delivering aid to Armenia have been refused. It is wrong. We should not reward nations with our money when they conduct that kind of policy.

Unable to cross Turkish territory or transit its airspace, relief supplies—we are not talking about equipment, warmaking equipment. We are not talking about munitions. We are not talking about tanks. We are not talking about armaments. We are talking about basic relief supplies—food, clothing, and medicine—have had to be rerouted through Georgia where, due to instability widespread, large portions of that aid have sometimes been lost, along with the cost and the time necessary to get basic aid to a people whose suffering mounts and the toll of the devastation increases.

We should not be rewarding with taxpayers' money that kind of conduct. And the business of saying they are our allies has long played out. It is not

right that American taxpayers continue this kind of program. I hope that this sends a message that we say to the Turkish Government, fine, you are an ally, but basic human rights must be observed.

It is for those reasons that I have offered this amendment, not just for the American taxpayer but for the defense of American values and ideals. If we are to make a difference, certainly there is no more compelling case than here and now. This is a small step in signaling that we mean what we say, that we are for democracy and we are for human rights. I do not understand how we can be sending millions of dollars in America taxpayer moneys encouraging the kinds of activities that the Turkish Government is engaged in.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. SNOWE. Mr. President, as a cosponsor of the D'Amato amendment, I would like to express my strong support for his proposal to reduce our economic assistance to Turkey. The D'Amato amendment would cut economic aid to Turkey by $25 million, capping aid to Turkey next year at $21 million. A similar amendment passed overwhelmingly in the House earlier this year.

Mr. President, this bill represents cuts of $1.2 billion from the fiscal year 1995 appropriated level. It is $2.4 billion less than the administration's $14.8 billion request. I support the fiscal responsibility of this bill, and I believe that this amendment will help to bring the Turkish account into line with other reductions contained in this bill.

But there are more important reasons to make this cut than just achieving budgetary savings. For decades, Turkey has had a consistent record of human rights abuses against its own people and against its neighbors.

I would like to emphasize that this cut will only affect economic assistance, not military assistance.

There are a great number of reasons to support this amendment, but I would like to list just a few:

Turkey has illegally occupied 40 percent of the territory of neighboring Cyprus for 21 years. Turkey has consistently refused to withdraw its 35,000 occupation troops, and has impeded efforts to reunify the island.

The Turkish army has forcibly evacuated or destroyed nearly 2,000 Kurdish villages. More than 2 million of Turkey's Kurdish citizens have been made refugees in their own country.

Over 10,000 Turkish Kurds have been killed by Turkish Government forces. More than 5,000 of these deaths have come in just the past 5 years.

American weapons and equipment have been used repeatedly by Turkey in their internal and external atrocities, including the 1974 invasion of Cyprus and the attacks against Kurds in U.N. protected areas of northern Iraq earlier this year.

Torture, extrajudicial execution, and unlawful detention continue to be common in Turkey. This has been confirmed by State Department human rights reports and all credible private human rights organizations such as Amnesty International and Human Rights Watch.

Turkey persists in blocking the delivery of desperately-needed humanitarian assistance to Armenia, a landlocked neighboring country. This is particularly egregious because of Turkey's own past atrocities toward the Armenian people during World War I. This is commonly referred to the Armenian Genocide, in which 1.5 million Armenians—or half of all the Armenian people at that time—died.

Seven European countries have cut off all arms sales to Turkey, and the European Union has refused to even consider a free trade agreement with Turkey because of the treatment of the Kurdish people.

Against its own international agreements, in 1971 Turkey shuttered the seminary school of the Eastern Orthodox Ecumenical Patriarchate. This was done in an effort to undermine and eventually destroy this most hallowed institution revered by over 200 million Eastern Orthodox faithful around the world.

Mr. President, I frankly do not understand why we continue to provide such high levels of economic assistance to Turkey. But the purpose of this amendment is not to totally cut off all aid to Turkey, only to send a strong message that Turkey must reform its human rights record both with its neighbors and with its own people.

I urge passage of the D'Amato amendment, and I yield the floor.

Mr. SIMPSON. Mr. President, I rise in opposition to the pending amendment of the Senator from New York, pertaining to assistance for Turkey. I will support the motion to table this amendment, and I urge my colleagues to do the same.

Mr. President, I have very firmly held beliefs regarding the importance of the United States-Turkish relationship, and these beliefs have only been strengthened, not diminished, by recent events. Turkey has long been considered of great strategic importance to the United States, most notably since the height of the cold war, when Turkey's participation in NATO gave this important alliance a steady anchor in the Middle East. It was a tremendous advantage to have a stalwart ally of the West sitting in between the Soviet Union and the oil fields and tensions of the Middle East.

Let us remember also how Turkey frequently provided more troops to NATO than any nation other than the United States. We are increasingly cognizant that the peace in Europe was kept throughout those years not by the procedures of the United Nations, but by the resolve of NATO—and Turkey played an indispensable role in that alliance.

During the cold war, we came to view the alliance with Turkey as being critically important largely for geographic reasons, and reasons of military strategy. However, since the demise of the Soviet Union, we have found our relationship with Turkey to be of even greater importance.

If one lists the principal international developments in the post-cold war world, one repeatedly comes across unmistakable trends which underscore the importance of Turkey. To name but a few: The expansionism of Turkey's neighbor Saddam Hussein, the disintegration of Yugoslavia along ethnic lines, renewed nationalism and anti-Western feeling on the part of many Moslem states, the breakaway of the central Asian republics from Russia, and on, and on.

I earnestly hope that my colleagues have noted the opposition of our most notable military leaders to any reductions in assistance to Turkey. Gen. John Shalikashvili has written to commend Turkey's participation in the Korean war, as well as Turkey's defense of 37 percent of the frontier between NATO and the Warsaw Pact during the cold war. During the gulf war, strike missions against Iraq were initiated from Turkish soil—nearly 2,700 sorties, according to the general.

Perhaps Turkey's biggest contribution to that effort was the closing of the Turkish-Iraqi oil pipeline, which clamped down solidly on Hussein's strength and surely cost Turkey and its economy dearly. Few Americans know that Turkey contributed troops to the Somalian effort, as well as 1,500 troops in Bosnia.

Secretary of Defense William Perry has also testified to the value of continued assistance for Turkey.

The great ideological contest in the world is no longer between communism and democracy—capitalist democracy has clearly been the victor of that battle for the allegiance of the greater part of humankind. But there are still contests taking place all over the globe, between competing visions such as secular democracies, nationalist autocracies, and military-religious states. Too much of the Moslem world has chosen the latter route, choosing to devote the resources of the state to military confrontation with their neighbors, and at home, enforcement of religious scruples by the state.

Not only did Turkey cast its lot with the West when it was in a lonely military position, surrounded by Soviet-leaning neighbors, but it chooses still to cast its lot with us even when in

close contact with many anti-Western Moslem regimes. The majority of Turks believe this is the right thing to do, but there are also voices within Turkey who wonder why it chooses to ally itself with the West, only to receive criticism and suspicion in return from too many quarters.

It is greatly and unquestionably in the United States' interest that Turkey's decision to remain a friendly, secular republic be seen as fruitful for a Moslem nation. We do not have a good track record in our relations with Islamic countries. If Turkey is rebuffed in its continued allegiance to us, this will only provide fodder for those who believe that the West cannot be trusted to remain truly friendly toward a Moslem country.

None of us would claim that the human rights situation in Turkey is what we would like to see. But we should remember as well that Turkey has been the recipient of thousands upon thousands of uninvited guests, in many cases Kurdish refugees from northern Iraq. Most Kurdish people are not terrorists. They are poor refugees struggling to cope with the tragic reality of living under unfriendly, repressive regimes such as that of Saddam Hussein. But United States protection of the safe havens in northern Iraq also served to shelter those Kurds in the PKK, who were indeed engaged in terrorist attacks against Turkey. Thus we have made our own inadvertent contribution to the conflict Turkey is experiencing in the eastern part of the country. We would do well to confine our sermons about human rights to those situations to which we ourselves have not contributed.

Mr. President, I believe that it is strongly in the interest of the United States that we maintain a strong relationship with Turkey, both an economic and military relationship, and that the Turkish commitment to its status as a secular republic be proved again and again to be a most successful one which will assist our friends the Turks to continue the course and the cause of peace and prosperity in their country. We have a tremendous stake in this question, thus I strongly urge the defeat of the D'Amato amendment.

Mr. D'AMATO. Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I oppose the amendment offered by the able Senator from New York. It removes the discretion and the flexibility now in the bill for the President to provide economic assistance according to his best judgment as to the need of the recipient country.

Mr. President, Turkey is a member of NATO. It has been consistently of great assistance, great assistance to the United States—by the way, may I say also assistance to Israel—as we pursue our goals in the Middle East and southern Europe. Turkey has been of assistance as a NATO ally in supporting NATO's actions in Bosnia. She has provided support to the Bosnian Moslems, helping to right the balance in Bosnia vis-a-vis the Bosnian Serb forces.

Turkey was of crucial early assistance to us in the gulf war, as we all know. And she is still paying for that. She is still paying for having helped us. She was of crucial heroic assistance to the United States in Korea. Her economic needs are substantial. As I say, she is still paying a heavy price for cutting off the oil pipeline with Iraq. And she still loses revenue heavily on a daily basis. I cannot understand why anyone wants to remove the President's flexibility in this area, and I do not think that Turkey should be singled out.

I oppose the amendment, and I hope that the managers will move to table it.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New York.

Mr. D'AMATO. I do not mean to have a protracted debate on this, but I will take the time to read several excerpts from the State Department countries report, our State Department's report this year on Turkey as it relates to human rights. This comes from the report directly.

The human rights situation in Turkey worsened significantly in 1994.

Worsened significantly in 1994.

The police and security forces often employed torture during periods of incommunicado detention and interrogation, and the security forces continued to use excessive force against noncombatants.

Let me go on a little further.

Various agencies of the Government continued to harass, intimidate, indict, and imprison human rights monitors, journalists, lawyers, and professors for ideas which they expressed in public forums. Disappearances and mystery murder cases continued at a high rate in the southeast.

Let me go to page 3. I have another excerpt.

Political murders and extrajudicial killings attributed to Government authorities and terrorist groups continued at the relatively high 1993 rates. Government authorities were responsible for the deaths of detainees in official custody; suspects in houses raided by security forces; and other types of civilian deaths in the southeast.

Disappearances continued in 1994, while most of those reported in 1993 and earlier remained unsolved.

This is a pattern. This has not just evolved. And it is not getting better. It is getting worse.

Mr. President, again, it is not good enough to say that while one has joined us in an effort to investigate aggressions against the United States, to be helpful as it were, and more than helpful in our battle to liberate Kuwait, it is not sufficient to say that because one has loaned itself militarily to our defense, we look the other way when it continues these kinds of basic human rights violations not only of its citizens but of other citizens. It is inexcusable and intolerable for them to be permitted and for us to countenance by way of our actions, by way of making aid available, the continued blockade of the 2 million people in Armenia. It is wrong. And quiet diplomacy has not reduced that situation or resolved that situation. It continues. And on and on it goes.

One might talk about the situation in Cypress and what the Government of Turkey has done is simply by way of armed force taken and occupied that country illegally, and it thumbs its nose at the United Nations and those attempting to bring about a peaceful resolve. I believe until we do what we are supposed to do—and I say it pays dividends because we did not win the cold war with the Soviets because we decided to look the other way on human rights abuses. It is because we stood up to them and we said we are not going to treat you the way we would the other nations that follow the normal patterns of conduct, conduct that is expected.

So, Mr. President, I hope that my colleagues will accept this amendment. I think this amendment will be a very powerful impact in sending the right signal and maybe seeing that someday there are basic freedoms that are guaranteed, that nations will not be suppressed by the use of Turkish military might, that food and aid to people who are needy and starving will be permitted. That seems to me to be something that is so easy, but when a nation is so intolerant and so indifferent to the rights of others, then I think we have to send a clear message and that is why the Senator offers this amendment.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I understand the message the distinguished Senator is trying to send, but we are also going to send a message to a valuable ally, a valuable ally, an ally that is struggling to continue to orient itself toward the West, an ally that sits within a sea of potential enemies, surrounded by Moslem countries. Turkey is a Moslem country itself. It is a representative democracy. There are forces in Turkey that would like very much to see that country become another Iran, and there is a very real danger it could become another Iran. Look at the map. Note the geopolitical position of Turkey, the old great crossroads of the world in the days of Constantinople and Byzantium. We can

send a message, but we can also cut off our nose to spite our face, and we will not change anything except to drive a very valuable and dependable ally away from the West.

Turkey was very important to us in the Persian Gulf war, very important. We all wanted Turkey's help. We wanted Turkey to cut off the flow of oil. She cut it off.

Mr. President, I have an amendment in my pocket and I have the floor. I have a second-degree amendment to cut aid to Israel by $1 billion.

Now, we are getting ready to cut programs that are important to the American people. We talk about cutting Medicare, cutting Medicaid, cutting moneys for the Park Service, Fish and Wildlife, health programs, education programs. But not a word about cutting aid to Israel, not a word; $3 billion to Israel, $2 billion to Egypt.

Now, if anyone wants to talk about entitlements, those are looked upon as entitlement programs by the recipient countries. I am not anti-Israel nor am I anti-Egypt. But when we talk about cutting entitlements, cutting programs that benefit the American people, the old, the young—but not a word said about cutting that $5 billion for Israel and Egypt—why not offer an amendment that will cut that largesse and see how many brave souls there are in this Senate?

Senators would run like turkeys and head for the doors as if they were fire escapes. I know, because I have tried such an amendment on two occasions. I got one vote on each occasion. Perhaps these brave souls should be put to the test every now and then.

I will not offer my amendment to this amendment at this time. It would be an attractive idea to offer it to this amendment and then have someone move to table the underlying amendment; and with my amendment as the second-degree amendment, watch Senators head for the doors.

Where are all these brave souls? How about cutting aid to Israel? I will not offer the amendment at this time. I hope that the managers will move to table the pending amendment. I hope that it will be tabled by an overwhelming vote. Let us send a message to Turkey that we are still her friend, and we want her to be our friend.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me say with regard to the amendment of the distinguished Senator from New York, that the internal human rights practices of a number of America's close friends in that section of the world probably could not meet our test. And it seems to me the situation in Turkey is largely indistinguishable from the situation inside the borders of a number of other, not only good friends of the United States, but aid recipients of the United States in that part of the world.

I share the concern that many people have about the human rights situation in Turkey and in a lot of other places. The question is whether or not the amendment by the Senator from New York to cap, cut off assistance will generate any improvements. I am concerned, as the distinguished Senator from West Virginia is concerned, that it might have just the opposite effect.

First, let me point out that the administration is planning $100 million for ESF for Turkey whether or not we pass an amendment. Now I do not see how this level can be achieved given the overall reduction in the foreign operations budget.

It seems to me that before we engage in the kind of debate we are having, calling attention to Turkey's internal problems, we ought to think a little bit about the neighborhood. Iraq, Iran, Syria all present unique security challenges, complicated by the crisis in Georgia and ongoing conflict between Azerbaijan and Armenia.

In the middle of this, Turkey has preserved at least basic principles of democracy, including free and fair elections, the orderly transition of power, an independent legislature, and enacted a free press. Do they have some problems? Yes. But compared to other countries in the area, you would have to say they have done rather well. It is far from a perfect picture. But then many of our traditional friends and allies have not achieved the freedom and success that we enjoy here in this country.

Let us remember that Turkey has 62 million people, 99 percent of whom are Moslem, a factor which could easily influence closer ties with Iran. Yet Turkey remains the only secular democracy with a free market that has a majority Moslem population. Turkey has also maintained its strong link with NATO providing peacekeepers in Bosnia and participating in F-16 patrol of the no-fly zone. As the Senator from West Virginia mentioned, at the end of the Persian Gulf war, Operation Provide Comfort was established in northern Iraq to protect the Kurdish population, in addition to providing humanitarian aid. The Turkish Parliament voted to continue the operation for 6 more months.

Prime Minister Ciller takes the issue of human rights seriously, and committed her nation to a course of reform. In July, under her leadership, 16 amendments were passed to their Constitution, expanding political participation and democracy. When Parliament reconvenes in October, it is my understanding that there will be several more pieces of reform legislation considered.

So the point is, Turkey certainly is not perfect, but it has made a lot of progress. When you compare it to the others in the neighborhood, it does rather well.

Mr. President, I do not know what more needs to be said on this. It was my plan to offer a motion to table, which I will now do.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 451 Leg.]

YEAS—60

Abraham	Dorgan	Kerrey
Akaka	Exon	Kyl
Ashcroft	Faircloth	Leahy
Baucus	Ford	Lieberman
Bennett	Frist	Lott
Bingaman	Glenn	Lugar
Bond	Gorton	Mack
Breaux	Graham	McCain
Brown	Gramm	McConnell
Bumpers	Grams	Murray
Burns	Grassley	Nickles
Byrd	Hatch	Nunn
Campbell	Heflin	Packwood
Chafee	Hollings	Rockefeller
Cochran	Hutchison	Roth
Cohen	Inhofe	Shelby
Conrad	Inouye	Simpson
Coverdell	Jeffords	Stevens
Craig	Johnston	Thompson
Daschle	Kempthorne	Thurmond

NAYS—36

Biden	Gregg	Pell
Boxer	Harkin	Pressler
Bradley	Helms	Reid
Bryan	Kennedy	Robb
Coats	Kerry	Santorum
D'Amato	Kohl	Sarbanes
DeWine	Lautenberg	Simon
Dodd	Levin	Smith
Dole	Mikulski	Snowe
Domenici	Moseley-Braun	Specter
Feingold	Moynihan	Thomas
Feinstein	Murkowski	Wellstone

NOT VOTING—4

Hatfield	Pryor
Kassebaum	Warner

So, the motion to table the amendment (No. 2709) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. I ask unanimous consent that Eugene D. Schmiel, a recent addition to my staff, be extended the privilege of the floor. He is a State Department Fellow who will be fulfilling legislative duties.

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

Mr. LEAHY. Mr. President, I know the Senator from Colorado is seeking recognition. I will not hold the floor, but I urge Senators who have, on our side—and I suspect the distinguished Senator from Kentucky will make the same request on his side—I urge Senators on our side, who have amendments that they intend to offer to this bill, to come and let us know. There may well be amendments that could be accepted. At least let us know that. We will start working toward that situation so at some point the distinguished manager and myself could work at accepting those, and others that might not be accepted, may require rollcall votes, that we might set some time certain or at least get some time agreements on them.

I commend the distinguished Senator from New York and the distinguished Senator from West Virginia in their debate. They kept it to a very short time. We were able to move on. But this is a bill I know the distinguished Republican leader and the distinguished Democratic leader want to get moved forward, so I urge those who are listening to come let us know. At least on my side, I have a more accepting mood when it is early on in the game than I might toward the end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2708

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the amendment No. 2708, offered by the Senator from Colorado to the committee amendment on page 15.

Mr. BROWN. Mr. President, one of the things the opponents have brought up in the series of extended debates preceding the offering of the amendment this time has been the question of how significant the one-fourth of the arms package is that would be delivered under the President's compromise.

We have held extensive hearings on this question. I wanted to share with the Members some quotes from the experts who testified. We made an effort to invite both Democrats and Republicans, both liberals and conservatives, experts from the military and academia as well as experts that had shown a greater degree of experience with India than Pakistan. Here are some brief quotes I think are helpful in describing that package.

It is $368 million of military equipment that was contracted for 9 years ago, whose delivery was withheld 5 years ago, even though in substance it had been paid for, committed for by the Pakistanis.

In terms of the regional military balance, I don't think that the release of this military equipment . . . really will have no significant impact on the balance one way or the other.

That is from Stephen Cohen, who is the director of Program in Arms Control, from the University of Illinois.

From George Tanham, vice president of Rand Corp:

. . . I agree with Steve that the package won't change the balance at all. In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an air force, twice as large a navy, and twice as many tanks, twice as many airplanes. So there isn't a balance at the moment. And India has overwhelming strength.

This one is from the Honorable William Clark, Jr. He was the ambassador to India from 1989 to 1992. "We have got F-16's that have been sitting in the desert and being maintained. The P-3 and the Harpoon, three of them are marginally useful, if at all, and they have already been—the requirement has been met in other ways—from the politics of it, it is terribly important. The military utility of it"—he is referring to this settlement and those weapons—"they would rather buy more modern equipment with the money."

The focus of his remarks was simply to point out that actually if the Pakistanis had their choice, they could buy better equipment and more modern equipment with their money rather than the old equipment. Again, relating to the significance of the package that would be delivered under the President's compromise.

This is from James Clad. He is a professor at Georgetown University. They offer for Pakistan "exactly as Mr. Tanham pointed out, an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality * * * I think another turn on a dime on this issue is going to I think do further damage to American diplomacy." The turn on the dime would be failure to follow up on the President's commitment.

This last one is from Bruce Fein. He is a constitutional and international law specialist and syndicated columnist. "It is true that they"—referring here to India—"they are searching at present for substantial additional arms purchases, hundreds of millions that I think would dwarf anything that would follow any relaxation of the Pressler amendment: (Incidentally) very high technology MiG aircraft." He is referring to what India already is doing.

What we have here is an effort to deny the President of the United States a vote on an arrangement, a negotiation that he himself instigated. The President took on a tough problem. For 5 years we have refused to return the Pakistanis' money, and for 5 years we have refused to deliver the planes, and for 5 years, because it has been a tough problem, we failed to act.

I think it is to the President's credit that he has been willing to step forward, he has been willing to negotiate out a compromise. Some may disagree with the compromise. Some may think it is too tough on Pakistan. Some may think it is too tough on India. But the President had the courage to step forward and negotiate that compromise and put a package and a recommendation before this Congress. The question is whether or not the President is allowed to have a vote on his package.

We considered this whole question in the drafting of the State Department authorization bill. But when that bill got to the floor, it was filibustered and the President was denied an opportunity to have his proposal which would have added to that as part of that which was voted on. We then offered this package as an amendment to the Defense authorization bill. But the opponents fought that, threatened to filibuster all night, and denied us a vote. Finally, in an effort to make sure that important Defense authorization bill passed without the delay that that threat brought about, I was willing to withdraw the amendment upon assurances that we would have an opportunity to offer it later and be voted on. That bill has moved ahead.

We bring it up today after notice and discussion. This amendment was offered shortly after 11 o'clock this morning. It was one of the first amendments offered to this bill. And the opponents again sought to delay. The first thing they said is, "We want a secret briefing for everyone." Mr. President, we have had secret briefings. We have had secret briefings covering the exact subjects that they want to talk about. First of all, the Intelligence Committee conducted a briefing on this very subject, exactly the same subject, at the end of July and early August. Members were invited. Those who did not attend could have come to a Members' briefing that I arranged with the subcommittee on last Tuesday.

Incidentally, Senator GLENN's staff attended that briefing. We invited every Member of the Senate to be present at that briefing. So the briefing that they talked about delaying this consideration for has not only already taken place, but it has already taken place twice. Incidentally, I might say transcripts of those are available for Members who want to see them.

So to suggest that we have to delay consideration of this proposal once again for a briefing is simply another tactic, in this Member's opinion, to

delay consideration of an important amendment.

Mr. President, we have had hearing after hearing after hearing on this subject. We had a hearing on March 7. We had a hearing on March 9. We had a hearing and discussion—at least for comment—when we had committee markup. Incidentally, Senator PRESSLER was invited and appeared at that committee markup and gave comments. We had a hearing on this last Thursday in which Senator PRESSLER came and discussed it specifically.

So, Mr. President, what we have seen here is a concerted effort to avoid a vote on this question. I believe the President at least deserves a vote on the package, the compromise, that he has negotiated out. One may disagree with it. One may think it is right to keep both the military aircraft and Pakistanis' money. But, Mr. President, I do not. I think we deserve an answer one way or another.

What I find is an effort now to delay this important bill, an effort by filibustering this amendment to delay the consideration of this vital bill that has such a major impact on our foreign policy considerations around the world.

Once again, I do not want to delay the important business of the Senate. It is why I brought this amendment up early and brought it up for consideration. But what I find is a concerted plan and effort to simply filibuster this, to delay consideration and to deny the President of the United States a vote on his carefully negotiated compromise.

When I was asked to grant more time to opponents, we agreed to set aside this amendment for Senator LAUTENBERG to speak, which, of course, he did. Then once again, because the opponents wanted more time, we agreed to another delay and agreed to set aside the amendment for consideration of Senator D'AMATO's amendment, which has been fully debated and voted on, as the Senators will recall from just a few moments ago. But, Mr. President, further delay, further filibustering of this important legislation and delay of this important bill will be a mistake for the Senate. I believe it is important to move ahead on it.

I am saddened by the fact that the opponents have not come to speak up and to offer debate. Mr. President, most important of all, when the State Department authorization bill was here, they refused to join in a time agreement. When the Defense authorization bill was here, they refused to join in a time agreement. Now, in spite of my request and others' requests to have a time agreement, basically carte blanche whatever they want, they refused to join in a time agreement.

So, my proposal is this: I think the President deserves a vote. This is an important matter that does not get better by delay. The longer we delay, the more storage costs there are on the airplanes. The longer they filibuster, the more the quality of the material deteriorates. The longer they refuse to give the President a vote, the more cost is added to this proposal and the more difficult it is to work out a settlement.

Mr. President, my suggestion is this: Let us get a vote. If I do not have 60 votes, I am not going to stop this bill or have others filibuster this important piece of legislation just for this amendment. But if we can get 60 votes, then I want this considered, and we will see if we cannot bring closure on this issue. But I believe the President of the United States deserves an answer and deserves a vote.

Ms. MIKULSKI. Mr. President, I rise in support of the Brown amendment. This amendment will further United States relations with Pakistan—by allowing for cooperative programs on counternarcotics and counterterrorism—and by resolving a longstanding dispute over the delivery of military hardware.

I understand the concerns of opponents of this amendment—and I share some of them. There is no more important issue in South Asia than nuclear proliferation.

But I believe that this issue is hindering our efforts to build strong ties with Pakistan—and that strong relations with Pakistan are crucial to improving our security and furthering our interests in South Asia.

I also believe that we need to show support for the current Government of Pakistan. Prime Minister Bhutto is a woman of great courage. She has endured arrest, imprisonment, and exile. She has worked to transform Pakistan from a military dictatorship to a parliamentary democracy.

The Prime Minister has been courageous in her efforts to build close ties to the West. Under her leadership, Pakistan has proven to be a valuable ally in combatting terrorism and in stemming international flow of illegal drugs. She has been liberalizing the economy and opening it up to foreign trade and investment.

It has come to the point where this issue is clouding all others. Improved human rights, nonproliferation and greater trade and investment are held hostage to this largely symbolic issue.

So I will support the Brown amendment. The Pressler amendment will still stand—and it should. Pakistan will not receive the F-16's. But by passing the Brown amendment, we will remove an impediment to our relations with Pakistan—and we will be able to focus on improving security in South Asia.

Mr. BROWN. Mr. President, I move to table the Brown amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GREGG). Is there a sufficient second?

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

The PRESIDING OFFICER. The regular order is to determine if there is a sufficient second.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. GLENN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislation clerk continued the call of the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, I ask unanimous consent that Senator KASSEBAUM and Senator PELL be allowed to address the Senate and, at the end of their comments, the status quo be resumed.

Mr. BROWN. Does that include a limitation on the amount of time? I reserve the right to object.

Mr. McCONNELL. How much time does the Senator from Kansas have in mind? I say to my friend from Colorado, I am trying to just process something here while we are waiting.

Mrs. KASSEBAUM. Mr. President, I came to speak because there was a quorum call on, so I could tailor my remarks to the time I would be allowed. I would say about 5 minutes.

Mr. BROWN. I take it the unanimous-consent request is for a maximum of 5 minutes?

Mr. McCONNELL. With 5 minutes for Senator PELL as well.

Mr. BROWN. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I first want to commend the chairman of the Foreign Operations Subcommittee, Senator McCONNELL, and the ranking member, Senator LEAHY, for their leadership on this bill. Getting a foreign operations appropriations bill through the Senate is never an easy process. I think they have done an extraordinary job. This legislation is a reasonable approach that meets the stringent reality of the Federal budget but also recognizes that our national interest requires America to be a leader in world affairs.

For years, we have been engaged in a debate about how best to reform our foreign aid programs. I have long been an advocate of reform, and I continue to believe it is necessary. The debate

has taken on new vigor this year with the chairmanship of Senator HELMS in the Foreign Relations Committee, and it is ongoing.

The legislation before us today walks a fine line and, in my view, does so appropriately. On the one hand, it recognizes the substantial reform of our foreign aid programs is properly carried out through the authorizing legislation, not through this appropriations bill. On the other hand, this bill undertakes important reforms necessary to ensure that the shrinking resources it provides can be used to the greatest effect.

The foreign affairs budget, which, unlike other accounts in the Federal budget, had already been cut dramatically before this year, has been cut even further. I regret that decision, but that die was cast last spring during the budget resolution debate. Given the limited resources available, it will become increasingly important that the President have more flexibility to target our resources toward the areas of greatest importance.

This is not easy to do. We always feel that we want to have some hand—and we should have—in shaping those priorities. On the other hand, I think flexibility is needed for administrative decisions and it is important that legislative and administrative bodies work as closely together as possible.

While some of the accounts retain their traditional protection, this legislation on the whole has very few earmarks. Again, I want to commend the committee for that. It is not an easy task. At the same time, the bill seeks to promote fairness by preventing any single account or region of the world from bearing a disproportionate share of budget reduction.

As a long observer of United States policy toward Africa, I believe this legislation treats Africa fairly and recognizes that continent's importance in the overall reach of United States foreign policy. I am particularly pleased with the sincere effort to address the difficult problem of African debt relief.

However, important African issues will remain for the conference committee—in particular, this legislation's consolidation of the Development Fund for Africa into a larger economic assistance account diverges from the path Congress has followed since 1987. The House has retained the Development Fund for Africa regional account. The Congress created the DFA in 1987, with bipartisan support, to ensure that consistent long-term funding for African development would be there if it were necessary. I hope that as we debate funding the mechanisms and accounts this year, we will not lose sight of, or compromise, this important goal.

I am particularly concerned about the effect on our foreign policy and the sharp cuts in two programs in this bill. One is the International Development Association, funded at $775 million, well below the $1.3 billion request. While it has detractors, I believe this program is an effective means of leveraging U.S. foreign aid and effecting change in the economic policies of countries abroad. I worry that low-balling this funding—and the House is lower still—will cause other donors to do the same and threaten the viability of this important program.

I also worry about cuts in our contributions to international organizations and programs. Last year, we spent $374 million on this account, but this bill includes only $260 million—again, better than the House bill. Mr. President, international organizations and programs is never a popular part of the budget. Again, I share the view that we should critically reevaluate our participation in many low-priority international organizations. But it seems to me we should conduct that review as a matter of policy and take steps to reform or withdraw from organizations in accordance with the obligations we have made to them. We should not just stop paying our bills.

These cuts in important programs are, to me, made more frustrating by another item in the bill. This legislation would appropriate $150 million for international narcotics control—$45 million more than last year and $37 million more than was approved by the House. This account may be politically popular, but, in my view, it is a poor candidate for added funding. I doubted the effectiveness of this program in both the Reagan and Bush administrations—not that we do not want to direct our attention to getting narcotics abuse and use under control—even though, however, we had programs over the years in narcotics control initiatives, and they keep requesting more money. In 1995, we will spend nearly $13.3 billion on antidrug measures, of which $1.6 billion will go for international and interdiction efforts. I can only hope it will be successful. But I do question whether we are monitoring closely the successes of these efforts.

I care just as deeply as everybody else about getting the international narcotics problem under control, but I am not convinced that increased funding for this program will make any real difference in reducing the flow of drugs into this country. Frankly, I would prefer we consider reducing funding from fiscal year 1995 levels, but, at the very least, I think we should not increase funding. I suggest that the $45 million added beyond current-year levels will be better used elsewhere within this bill, or for deficit reduction.

Mr. President, I think I am beyond my time.

I ask unanimous consent for 2 additional minutes to speak to an amendment I would like to offer as well.

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

Mrs. KASSEBAUM. First, I conclude my statement by saying that despite the concerns I have raised I believe this bill on the whole represents very responsible leadership in the field of foreign affairs. I intend to support it.

AMENDMENT NO. 2710

Mrs. KASSEBAUM. Mr. President, I rise today to submit an amendment on Liberia.

Mr. MCCONNELL. Mr. President, I think we need to lay aside the pending amendments.

Mrs. KASSEBAUM. I send that amendment to the desk. I understand it will be a noncontroversial amendment and it is just to express strong support for the latest Liberia peace agreement and facilitate the provision of limited United States assistance to Liberia.

It will be considered at another time. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for a unanimous-consent agreement.

AMENDMENT NO. 2708

Mr. PELL. Mr. President, I wish to speak in connection with the Brown amendment on Pakistan. As many of us know, deliveries of United States military equipment purchased by Pakistan have been suspended since 1990 under the terms of the Pressler amendment. This amendment would lift the suspension temporarily to allow the delivery of much of the military equipment—including naval aircraft, missiles, and spare parts. While it would not permit the delivery of the F-16's purchased by Pakistan but still undelivered, the amendment would allow for a plan to sell the F-16's to a third country and to provide those proceeds to Pakistan.

The sponsors of this amendment argue that it will help to improve United States relations with Pakistan. I want to say at the outset that I well understand the importance of good relations with Pakistan. Not only was Pakistan an important ally in the Afghan resistance to the Soviet Union, but Pakistan also continues to be a key player in the South Asia region.

I also wish to be supportive of the current Prime Minister, Benazir Bhutto. When Pakistan was ruled by an oppressive military dictatorship, I tried to be helpful in securing Mrs. Bhutto's release from house arrest, and in promoting a return to democracy in Pakistan. I have long considered Prime Minister Bhutto a friend, and have promised her to do what I can to ensure strong United States-Pakistani relations. That being said, I must balance my support and affection for Pakistan against what I believe to be right for United States nonproliferation policy. And I believe that this amendment goes too far. I support resuming economic assistance, but oppose the delivery of the military equipment. I will vote accordingly when the time comes.

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 (Mr. INHOFE). Without objection, it is so ordered.

The PRESIDING OFFICER. The pending question is on the Brown motion to table the Brown amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 452 Leg.]

YEAS—37

Abraham	Dorgan	Leahy
Akaka	Exon	Levin
Bennett	Feingold	Lieberman
Biden	Feinstein	McConnell
Bingaman	Frist	Moynihan
Boxer	Glenn	Pell
Bradley	Gramm	Pressler
Bumpers	Hollings	Robb
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Simon
D'Amato	Kerry	Wellstone
Daschle	Kohl	
DeWine	Lautenberg	

NAYS—61

Ashcroft	Grams	Murkowski
Baucus	Grassley	Murray
Bond	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Heflin	Reid
Burns	Helms	Rockefeller
Byrd	Hutchison	Roth
Campbell	Inhofe	Santorum
Chafee	Inouye	Shelby
Coats	Jeffords	Simpson
Cochran	Johnston	Smith
Cohen	Kassebaum	Snowe
Craig	Kempthorne	Specter
Dodd	Kyl	Stevens
Dole	Lott	Thomas
Domenici	Lugar	Thompson
Faircloth	Mack	Thurmond
Ford	McCain	Warner
Gorton	Mikulski	
Graham	Moseley-Braun	

NOT VOTING—2

Hatfield	Pryor

So the motion to lay on the table the amendment (No. 2708) was rejected.

Mr. BROWN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

Mr. LEAHY. Mr. President, will the Senator withhold for one moment so I can make an announcement?

Mr. MCCONNELL. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on this subject there will be a briefing at 5:30 in S-407, I am advised by the distinguished Senator from Ohio. It is open to all Senators and is on the subject we just voted on. But that will be in S-407 at 5:30. I wanted to make that announcement.

Mr. GLENN. It is a classified briefing.

Mr. LEAHY. It is a classified briefing.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Brown amendment No. 2708 be temporarily laid aside until 7 p.m. this evening, and at that time there will be 5 hours for debate to be equally divided in the usual form; and when the Senate resumes the amendment on Thursday, there be 1 hour remaining for debate to be equally divided in the usual form; and following the conclusion or yielding back of time, the Senate proceed to vote on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. 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. MCCONNELL. I ask unanimous consent that the quorum call be dispensed with.

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

Mr. MCCONNELL. Mr. President, it is my understanding the Senator from Nevada is prepared to offer an amendment. We would like to handle as many amendments as we can between now and 7, when we resume debate on the Brown amendment.

So I encourage any Senators who have amendments they think can be accepted or would not be controversial to please come over and let us try to get them taken care of before 7, because we have very few remaining contentious amendments after the Pakistan amendment and some Helms amendments.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that we are now working on the committee amendments?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent that they be set aside and that I be allowed to offer my amendment.

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

AMENDMENT NO. 2711

(Purpose: To prohibit female genital mutilation, and for other purposes)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2711.

Mr. REID. 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, insert the following new section:

SEC. . FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION.

(a) TITLE 18 AMENDMENT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(b) INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the following activities:

(A) Compile data on the number of females living in the United States who have been subjected to female genital mutilation

(whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(B) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(C) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(2) DEFINITION.—For purposes of this subsection, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(c) EFFECTIVE DATES.—

(1) Subsection (b) shall take effect immediately, and the Secretary of Health and Human Services shall commence carrying it out not later than 90 days after the date of the enactment of this Act.

(2) Subsection (a) shall take effect 180 days after the date of the enactment of this Act.

Mr. REID. Mr. President, last September, about a year ago, I introduced a resolution condemning the practice of female genital mutilation.

At that time, there was talk on the Senate floor that perhaps the United Nations would do something, perhaps some States would do something. The fact of the matter is, a year has gone by and this practice continues.

Mr. President, it is very difficult for me to stand and talk about something as repulsive and as cruel and as unusual as this practice is. But I feel that we have an obligation to speak about the unspeakable, and that is what I am on the floor to talk about today.

What is female genital mutilation? I will be as brief in the description as I can be, but I feel that it is important to my colleagues for me to explain in some detail what this practice is.

There are many countries around the world that allow this practice to take place. Some call it female circumcision.

There are a number of countries around the world that this is, in effect, a rite of passage for little girls. Little girls between the ages of 6 and 11 are forced into this gruesome ritual of female circumcision by their parents most of the time.

The procedure is something that has been written about at great length, and for purposes of this debate, we will refer to this as FGM, female genital mutilation. I will not refer to those terms anymore.

Mr. President, in its most extreme forms, a little girl's external sexual organs are scraped away entirely, and then the procedure—most of the time very crudely, this is rarely, rarely done by physicians—the vulva is sewn together with some type of stitching. Many times, Mr. President, the little girl's legs are bound together for weeks while a permanent scar forms.

The reasons for this are historical in nature. No one really knows. In that this takes place in many Moslem countries, I think this is fair to say this is not in the Koran, this is nothing that is taught by the Koran, but it is practiced in 20 African countries, in Oman, South Yemen, United Arab Emirates, Malaysia, India, Pakistan.

So, I think we have the general idea of what this procedure is.

Why should we be talking about this on the floor of the U.S. Senate? We talk about it because it is important to focus attention on what is going on around the world, of course. It is important because these girls who go through this process die on occasion, but they are permanently scarred, not only physically but emotionally, because the immediate effect is bleeding, shock, infections, and even death because of hemorrhage and unhygienic conditions.

The reason I am involved in this is because I received a call from a close personal friend of mine in Las Vegas, NV, a mother of six children who called me to say that she had watched the night before the most repulsive thing that she had ever seen on television, and this was a picture which I saw on video later of a little girl having this process performed on her in Egypt.

As a result of that, I felt it was important that I learn more about it, as I have done. I have learned that some 15 percent of all these females die of bleeding or infections. As I have already stated, the rest of their lives the women are afflicted with scarring, physically and emotionally. They also have recurring infections, some suffer complicated and sometimes even fatal childbirths.

I realize the significance of this ritual in the cultural and societal systems in communities of Asia, Africa and the Middle East where it is done often. This procedure has been performed on not hundreds of women, not thousands of women, but we are now into the millions of women.

I repeat, this is a cruel and tortuous procedure performed on young girls against their will. The United States must make all efforts to condemn and to curb this practice.

Some might say that FGM is not a concern of the United States. Mr. President, it is a concern of the United States, because it does occur in the United States. Because of immigration patterns and for other reasons, this ritual comes to the United States with people coming from other parts of the world. The same procedure has been outlawed in the United Kingdom, Sweden, Switzerland, to name just a few. They have all passed legislation prohibiting FGM. France and Canada maintain that FGM violates already established laws.

So we in the United States also must speak out against this torture to women in the United States. Hopefully by speaking out, it will focus attention on this practice that is going on in other parts of the world.

I am really surprised that the United Nations takes up all the human rights things that they do, and I can appreciate that. We as a country take up human rights concerns. People who go to prison may spend too much time in prison. Why should we not speak out on the torture taking place on a daily basis to women throughout the world? This seems much more egregious than some of the other things we throw up our arms about dealing with human rights violations.

What this amendment does is make it illegal to perform the procedures of FGM on girls younger than 18. The legislation defines the following measures: That we compile data on the number of females in the United States who have already been subjected to this; that we identify communities in the United States in which FGM is practiced; that we design and implement outreach activities to inform people of the physical and psychological effects of FGM; and that we develop recommendations for educating students in our medical schools on treating women who have been subject to this torture.

As I have stated, this is difficult to talk about, but ignoring the issue perpetuates the silent acquiescence to this barbarous practice.

I was very happy to hear that at the conference in Beijing, China, which was just completed last weekend, that FGM was a topic at the U.N. Conference on Women. I say through this legislation, the United States can acknowledge the importance of this issue to all women.

I further say, Mr. President, that I appreciate the support of my efforts in this matter by Senator MOSELEY-BRAUN, Senator WELLSTONE, and Senator SIMON. I hope, Mr. President, that this matter will be resoundingly accepted. I think it is important for us as a body, as a Congress, and as a Nation to speak out against this. The very least we can do is have a law on the books that makes this illegal in our country.

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. MCCONNELL. 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 issue of female genital mutilation

[FGM] was first brought before the Senate last September when Senator REID introduced a sense-of-the-Senate resolution condemning this cruel ritual practice and commending the Government of Egypt for taking quick action against two men who performed this deed on a 10-year-old girl in front of CNN television cameras.

This amendment would make it illegal to perform the procedures of FGM on girls younger than 18. In addition, it proscribes the following measures as necessary to the eradication of this procedure: compiling data on the number of females in the U.S. who have been subjected to FGM, identifying communities in the United States in which it is practiced, designing and implementing outreach activities to inform people of its physical and psychological effects, and developing recommendations for educating students in medical schools on treating women and girls who have undergone mutilations. I am proud to be a cosponsor of this amendment that addresses an issue so crucial to the mental and physical health of women and girls.

The ritual practice of female genital mutilation currently affects an estimated 80 million women in over 30 countries. Although FGM is most widespread in parts of Africa, the Middle East, and the Far East, immigrants from practicing groups have brought the custom to wherever they have settled.

In the countries and cultures of its origin, FGM is most commonly performed with crude instruments such as dull razor blades, glass, and kitchen knives while the girl is tied or held down by other women. In most cases, anesthesia is not used. Afterwards, herb mixtures, cow dung, or ashes are often rubbed on the wound to stop the bleeding.

Aside from the obvious emotional and physical trauma which are caused by this procedure, it has been estimated that 15 percent of all circumcised females die as a result of the ritual. The long term effects dealt with by American doctors who treat mutilated women and girls are listed by the New England Journal of Medicine as including chronic pelvic infections, infertility, chronic urinary tract infections, dermoid cysts (which may grow to the size of a grapefruit), and chronic anxiety or depression.

Although female genital mutilation has sometimes been viewed as a purely cultural phenomena, it is clear that no ethical justification can be made for this inhumane practice in any country.

Additionally, FGM has already been banned in many Western nations. In 1982, Sweden passed a law making all forms of female circumcision illegal, and the United Kingdom passed a similar law in 1985. France, the Netherlands, Canada, and Belgium have each set a precedent for the illegality of female circumcision by holding that it violates laws prohibiting bodily mutilation and child abuse. Action has been taken to enforce the statutes banning this practice in all the countries I've just mentioned.

However, due to complex cultural factors, dealing with this issue in the United States requires more than making the ritual practice of FGM illegal. Immigrant parents in the United States who import a circumciser from their home country or find an American doctor willing to perform the procedure claim to do so out of a desire to do the best thing for their daughters. In the societies and cultures that practice it, FGM is said to be an integral part of the socialization of girls into acceptable womanhood. Often, the mutilations are perceived by a girl's parents as her passport to social acceptance or the required physical marking of her marriageability. In spite of its obvious cruelty therefore, FGM is a part of cultural identity. Clearly, female genital mutilation must be dealt with in a manner which takes into account its complex causes and meanings.

Because of the complexity of this issue and the lack of available information regarding FGM in the United States, this amendment includes a provision ensuring that research be carried out to determine the number of females in the U.S. who have undergone mutilations. This research would also document the types of physical and psychological damage dealt with by American medical professionals who treat mutilated woman.

Finally, this amendment would ensure that medical students are educated in how to treat women and girls who have undergone FGM. In 1994, the New England Journal of Medicine reported that pregnant women who have undergone infibulation—in which the labia majora are stitched to cover the urethra and entrance to the vagina—are at serious risk, as are their unborn babies, if treated by physicians who have not been trained in dealing with infibulated women. In fact, untreated infibulated women have double the risk of maternal death and several times increased risk of stillbirth when compared with women who have not undergone mutilation.

Passage of this amendment would also send a clear message to American medical professionals, some of whom reportedly have been offered as much as $3,000 to perform mutilations on young girls. It would see to it that the names of Western doctors who mutilate girls would no longer be passed around in immigrant communities.

Female genital mutilation is the world's most widespread form of torture, yet no other mass dilation of humanity has received so comparatively little journalistic or governmental attention. We in the United States should make it clear that it is a serious crime if it occurs here. I urge my colleagues to support this amendment as an essential tool in the struggle against the perpetuation of this heinous practice.

Mr. McCONNELL. Mr. President, I am not aware of any opposition to the Reid amendment. We are prepared to accept it.

Mr. LEAHY. Mr. President, I compliment the Senator from Nevada. I have heard him discuss this in Appropriations Committee. I know this is something he feels passionately about. We have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2711) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, the Senator from Alaska is here.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside.

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

Mr. MURKOWSKI. 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. MURKOWSKI. 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. MURKOWSKI. I ask unanimous consent to offer a freestanding amendment.

Mr. LEAHY. Reserving the right to object, I still have no idea what is in the amendment. I wonder if I might have a chance at least to see it before I agree.

Mr. MURKOWSKI. I am happy to provide the Senator from Vermont with a copy of the amendment. It would be a freestanding amendment.

Mr. McCONNELL. May I suggest the Senator from Alaska explain the amendment before he sends it up.

Mr. LEAHY. Mr. President, I advise my friend from Alaska, I do not want to block him from getting the amendment up, but I want some idea of what it is. Maybe he might try explaining it and then remake the motion.

Mr. MURKOWSKI. I thank my colleagues from Kentucky and Vermont.

My amendment adds specificity to the timing as well as the sequencing of aspects that are key to the agreed framework on nuclear issues, which the administration signed with North Korea last October. This would ensure

that everyone, including the North Koreans, knows exactly how and when—and if—the funding will be provided by the Congress or additional diplomatic or economic steps will be taken toward North Korea.

The amendment parallels much of House Joint Resolution 83 passed September 18 by the House of Representatives. The Senate, I think, should go on record in similar detail.

I am pleased that the amendment is cosponsored by the chairman of the Foreign Relations Committee, Senator HELMS, as well as Senator MCCAIN, one of the Senate's most respected voices on North Korean matters, and the Senate Republican Policy chairman, Senator NICKLES.

AMENDMENT NO. 2712

(Purpose: To provide authorization for implementation of the Agreed Framework between the United States and North Korea)

Mr. MURKOWSKI. Mr. President, with permission of the floor managers, I propose a freestanding amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], proposes an amendment numbered 2712.

Mr. MURKOWSKI. 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 insert the following:

AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 575. (a) This section may be cited as the "Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act".

(b)(1) The purpose of this section is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(2) Nothing in this section requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

(c)(1) The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(2) No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

(d) None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(e)(1) The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(2) As used in this subsection, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

(f)(1) If North Korea does not maintain the freeze of its graphite-moderated nuclear program as defined in the Agreed Framework, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(A) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(B) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(C) the President shall oppose steps to export heavy oil to North Korea by all other countries in the Korean Peninsula Energy Development Organization.

(2) Whoever violates paragraph (1)(A) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

(g) The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework under the timetable set forth therein, as determined by the Agency after—

(1) conducting inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

(h) The additional requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea no longer meets the criteria for inclusion on the list maintained by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979 of countries the governments of which repeatedly provide support for acts of international terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

(i) The nuclear nonproliferation requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to account fully for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all graphite-based nuclear reactors in North Korea, including reprocessing facilities, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(j) The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

(k) The President may waive the application of subsection (g), (h), (i), or (j) if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

(k)(1) Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(A) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this subtitle;

(B) a statement of the progress made on construction of light-water reactors, including a statement of all contributions, direct and indirect, made by any country to the Korean Peninsula Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(C) a statement of all contributions, direct or indirect, by any country which is not a member of the Korean Peninsula Energy Development Organization for implementation of the Agreed Framework;

(D) a statement of all expenditures made by the Korean Peninsula Energy Development Organization, either directly or indirectly, for implementation of the Agreed Framework;

(E) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in subsection (g);

(F) a statement whether North Korea is transferring missiles or missile technology to other countries, including those countries that are state sponsors of international terrorism;

(G) a description of any new developments or advances in North Korea's nuclear weapons program;

(H) a statement of the progress made by the United States in fulfilling its actions

under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(I) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(J) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(K) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(L) a description of any action taken by the President under subsection (f)(1)(B).

(2) To the maximum extent possible, the President should submit the report in unclassified form.

(l) As used in this section:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

(3) IAEA SAFEGUARDS.—The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(4) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) INSPECTIONS.—The term "inspections" means inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement, including special inspection of undeclared information or locations if the IAEA cannot account for nuclear material and is therefore unable to verify that there has been no diversion of nuclear materials.

Mr. MURKOWSKI. Mr. President, in view of the fact that much of the opening description of the amendment has already been read, I am going to dispense with that. I am sure the reporter has it.

Let me take a moment and review for my colleagues what was in the October framework agreement that I think deserves a little reflection. You will all recall that North Korea gets two 1000-megawatt light water reactors at a cost of at least $4 billion. We do not know exactly what that cost might be. It might be more than that right now. North Korea gets free oil, $500 million worth, until the new reactors can be brought on line. And North Korea gets normalized relations and relaxed trade restrictions with the United States, which they have sought for a number of decades. North Korea gets freedom from the IAEA special inspections for some years into the future.

I might add that North Korean is the only country which has been exempted from immediate special inspections by the International Atomic Energy Agency, to exempt from the mandatory inspections. South Africa, for example, opened up its entire program for inspection. So, clearly, what we have done in North Korea is without precedent.

Furthermore, we were led to believe that the United States would not be responsible for any significant funding. I am told unofficially that after we get a little further along the line with the commitments to provide the light water reactors, we are going to be asked to contribute a significant amount of aid for switch gear. The switch gear is the mechanical capability to dispense power once the power is generated, and the North Koreans do not have that capability, nor do they have anywhere near the capacity in their current switching gear. They will be requesting assistance in the amount of roughly $1 billion. We should see that as a likely reality.

I have told you what was in the October deal and what the North Koreans get. Let us review what we get. We get North Korea's promise to freeze the current nuclear program, including their graphite-moderated reactors and reprocessing facilities; we get North Korea's promise for the IAEA special inspections—only we get it some 5 years in the future, something they previously agreed to in January of 1992 but have refused to allow.

Finally, we get North Korea's promise that its some 8,000 spent nuclear rods filled with weapons-grade plutonium will not be reprocessed in North Korea. In the interim, we have won the right to stabilize these rods, at, apparently, our expense. The question of where these rods are going to be stored is still open—we have an issue in our own country, a significant issue, on the unacceptability of storing high-level nuclear waste rods at our power sites. That is what we get—promises, but nothing else yet.

So I remain a critic of several aspects of the deal, although, as they say, hindsight is cheap. I also recognize that the administration, of course, had the authority to negotiate the deal. I have always been critical of the deal because I think we gave away our leverage when we allowed the North Koreans to simply dictate the terms of the agreement. When you negotiate a deal, there are certain things that are on the table and certain things that are not on the table. The fact that we allowed the North Koreans to be exempt from special inspections, I think, was a very, very poor decision on behalf of the administration. Nevertheless, it is a decision that was made by the administration.

But I do believe that Congress has a role as well, and that role has thus far been somewhat ignored. It has been piqued when we had discussions or floor statements on the subject. But I do not think we can ignore it any longer, now that the administration has turned to us for funding. I will have, in a future speech, some specific references where the administration assured us there will be very little likelihood of significant funding.

However, today we are told the administration has sought funding from Congress for all aspects of the deal—all aspects: delivering heavy oil, dealing with spent fuel, the light water reactor project, and even the setup costs of KEDO. That is the international consortium that is attempting to put this together.

For fiscal year 1995, the administration spent $4.7 million in emergency Department of Defense funds. I have heard members of the Armed Services Committee on this floor question how in the world Department of Defense emergency funds could ever be utilized for this purpose. But that is where the administration saw fit to expend the funds. The administration took $4.7 million in emergency DOD funds and bought heavy oil for North Korea.

What did North Korea do with the heavy oil? They were supposed to use it for power generation. We know for a fact some of it was funneled off into industrial complexes, and it was interesting to note there was an increase in military activity shortly after that oil flowed in, which I find rather confounding. Mr. President, $10 million in reprogrammed Department of Energy funds have been used and $4 million from reprogrammed Department of State funds.

So when the administration suggests it is not going to cost much, we have already expended approximately $20 million.

For this fiscal year, the administration has requested $22 million in Department of State funds and $5 million of Department of Energy funds—about $27 million.

If U.S. taxpayers' funds are going to be used, then I think Congress must play a monitoring role. My legislation outlines that role for the Congress.

The proposed amendment is consistent with the agreed framework. It is not an attempt to sabotage the agreement, but the amendment does attempt to hold North Korea to its promises before the United States simply gives it everything it wants. So far we have been doing all the giving and North Korea has been doing all the taking. Eventually North Korea, too, has to do some giving, including giving up entirely its nuclear ambitions as well as the sale of arms to other nations.

Specifically, before the United States fully normalizes political and economic relations with North Korea, my amendment would require the full implementation of the IAEA safeguards requirements, including allowing inspections of the two suspected nuclear waste sites; allowing the removal of all spent

fuel to a third country—any third country, of course, other than the United States, by preference; and making progress in North-South dialog.

In addition, North Korea must address other areas of U.S. concern:

First, they must agree to go beyond the current and very ineffective process for returning remains of United States missing in action from the North Korean war. Mr. President, currently we have 8,177—8,177—still listed as missing in action in North Korea. We have reason to believe we know where many of those remains might be, as we have identified crash sites and other areas of high-intensity activity.

It is interesting to do a comparison: 8,177 MIA's in North Korea, 1,621 in Vietnam. Yet the entire focus of the Nation has been traditionally on those missing in action in the Vietnam conflict. As a consequence of the success of the joint field activities in Vietnam, we propose that same type of joint field activities in North Korea.

Finally, North Korea must cease the export of ballistic missiles and related military technology. There is evidence that North Korea is exporting missiles to Iran, among other terrorist nations, from time to time.

The amendment would also condition future funding on North Korea fulfilling the terms of the agreed framework and the confidential minute in accordance with the schedule set forth on the agreed framework.

On the particular issue of the supply of heavy oil, the amendment would restrict U.S. support for exports of heavy oil if North Korea diverts heavy oil to purposes not specified in the agreed framework or otherwise is not in compliance with the agreed framework. We have already seen violations of this section of the agreement, as I have outlined for my colleagues.

Finally, the amendment makes clear that the United States will suspend its participation in the agreed framework if North Korea reloads its existing 5 megawatt reactor or resumes construction of nuclear facilities.

In concluding, let me reiterate that this amendment should not be seen as a rejection of the committee's original language but as a necessary enhancement. It contains a reasonable and detailed road map for progress in the United States-Democratic Republic of North Korea relations, while providing an appropriate monitoring role for Congress, because after all it is our money.

The House has also taken similar action. I think we should take steps to ensure that North Korea keeps its promises. I urge my colleagues and the administration to support this approach in the national interest and in the interest of continuity.

I thank my colleagues and I yield the floor.

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. McCONNELL. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Murkowski amendment No. 2712.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Murkowski amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, on behalf of the Senator from Florida, Senator MACK, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. McCONNELL. Not to be considered, just to be filed.

The PRESIDING OFFICER. The amendment will be submitted and numbered.

AMENDMENTS NOS. 2710, 2714 THROUGH 2722, EN BLOC

Mr. McCONNELL. Mr. President, I have seven amendments that are routine, and as far as I know there are no objections to them. Let me list them: an amendment by Senator SPECTER on section 660, which has to do with police training; amendments for myself regarding competitive financing; an amendment by Senator STEVENS of Alaska dealing with the issue of mapping; an amendment by Senator KASSEBAUM already at the desk regarding Liberia; an amendment by Senator BINGAMAN concerning energy; two amendments by Senator MACK, one relating to the World Bank and one relating to the index of economic freedom; and an amendment by my colleague from Vermont on Honduras.

Mr. President, I send those amendments to the desk en bloc and I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 2710, 2714 through 2722 en bloc.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2710

(Purpose: Expressing the sense of the Congress with respect to the peace process in Liberia)

At the appropriate place in the bill, insert the following:

LIBERIA

SEC. . (a) The Congress finds that—

(1) the war in Liberia begun in 1989 has devastated that country, with more than 150,000 people killed, 800,000 people forced to flee to other countries, and thousands of children conscripted into the rebel armies;

(2) after nearly six years of conflict, on August 19, 1995, the Liberia factions signed a peace agreement in Abuja, Nigeria; and

(3) the Liberian faction leaders and regional powers appear to be committed to the most recent peace accord, including the installation of the new ruling council.

(b) It is the sense of the Congress that the United States should strongly support the peace process in Liberia, including diplomatic engagement, support for the west African peacekeeping force, humanitarian assistance, and assistance for demobilizing troops and for the resettlement of refugees.

(c) Section 1(b)(2) of Public Law 102-270 is amended by striking "to implement the Yamoussoukro accord".

Mrs. KASSEBAUM. Mr. President, I rise today to offer an amendment on Liberia. I am pleased to be joined by Senator SIMON, former chairman of the Africa Subcommittee, and Senator FEINGOLD, ranking member of the Subcommittee.

This amendment expresses strong support for the latest Liberia peace agreement and facilitates the provision of limited United States assistance to Liberia.

Begun on Christmas day 1989, the civil war in Liberia has devastated that country. More than 150,000 people have been killed, mostly innocent women and children. Upward of three-quarters of a million people have been forced to flee to neighboring countries. Most heart-wrenching is the disastrous effect of the war on the children of Liberia. Many young boys—probably tens of thousands—have been conscripted by the warring factions, handed weapons sometimes bigger than they are, and sent into battle.

Mr. President, in August 1990, the Economic Community of West African States sent a peacekeeping force led by Nigeria. The force, called ECOMOG, did stop the rebel advance—but over time became one of the combatants and did little to bring peace to Liberia.

And, the situation has only become more confused the last couple of years. The number of factions multiplied. Some of these groups have split and others connected with a rebel movement in Sierra Leone. ECOMOG formed alliances with certain factions. Arms flows continued. Clearly the warlords appeared much more interested in their personal power and wealth than in the future of their country.

After more than 5 years of brutal and inhuman conflict, many in the outside world had simply given up on Liberia. I must say that I was one who had become increasingly frustrated with the situation and pessimistic about the future of Liberia.

Yet, in the midst of the cynicism, we have seen a dramatic and very positive

breakthrough in Liberia. Last month, the major faction leaders—under intense pressure from Ghanaian President Jerry Rawlings—signed a peace agreement in Abuja, Nigeria. Unlike the previous 11 accords, many believe and hope that this is a peace accord with a difference. For once, the Nigerians—the leaders of ECOWAS—and rebel leader Charles Taylor appear to have reached an understanding. All the major faction leaders are part of the transition.

Mr. President, I believe that now is the time for the international community, including the United States, to respond positively to this latest development. Liberia is a country founded by a group of freed American slaves. We have a long history of involvement in Liberia and, I believe, a special responsibility for its future.

This amendment expresses the sense of Congress that the United States should strongly support the recent peace accord. We should assist with the ECOMOG peacekeeping force. We should help demobilize the troops, many of which are children. We should support efforts to resettle the refugees.

This amendment also facilitates the delivery of United States relief by waiving the Brooke amendment for Liberia for these types of aid. Because of the irresponsible fiscal policies of former President Doe and the war, Liberia is prevented from receiving any nonemergency United States assistance under the Brooke amendment.

In 1992, I sponsored a bill—signed into law by President Bush—which waives the Brooke amendment for limited types of assistance to Liberia. That action followed an earlier peace accord that many hoped would end the fighting. But, as we know, the war resumed, and the current authority does not apply because the law refers only to the Yamoussoukro accord. This amendment simply deletes the reference to "Yamoussoukro" in the current law. It does not appropriate any new money or affect direct spending. It only gives the President the limited authority to support the latest peace agreement in Liberia from existing accounts.

Mr. President, I would urge support for this amendment. I believe it is a limited, but important, step in facilitating United States assistance for Liberia at this critical time. It is my hope that this latest peace agreement will hold and the devastating and brutal conflict in Liberia will finally end.

Mr. FEINGOLD. Mr. President, before I begin speaking about Liberia, I would like to congratulate the managers of this bill for the good work they have done on behalf of Africa in this bill. The Chairman's mark reflects cuts to the accounts that affect development in sub-Saharan Africa, but they do not paralyze our program or signal a United States withdrawal from the region. I think the Chairman acted very responsibly, and I would urge him and the other Senate conferees to protect this mark, at a minimum, in conference. The case for continued support for Africa is strong, and, I believe, that the United States has serious national security interests in the region, which make our investment there an imperative.

Today I want to talk about Liberia specifically, though, and to speak as a cosponsor of the Kassebaum amendment on Liberia, which I expect is noncontroversial. The amendment will make what a technical fix in existing law, and permit the United States to provide assistance to Liberia to implement the Abuja peace accords reached last month.

Since 1989, Liberia has suffered some of the most wretched and vengeful warfare in Africa. More than 180,000 people have been killed; approximately half the country's population has been displaced; and the capital city of Monrovia is bursting with three times its prewar population. The country has been shattered by senseless ethnic and individual rivalries, and has been on the verge of total collapse and anarchy. The conflict has contributed to instability throughout West Africa, and serious violence—mirroring Liberia's factional divides—has recently erupted in Sierra Leone.

I had the opportunity last year to visit Liberia with the past chairman of the Subcommittee on African Affairs, Senator SIMON, and listened to firsthand accounts about the war. Children were fighting children to seek revenge for relatives' deaths, or just simply to earn a day's food; arms flow from state to state, available to anyone seeking anything explosive; and violence marks the life of every Liberian citizen.

Since 1989 the United States has provided over $380 million for humanitarian relief in Liberia, and $60 million for efforts aimed at conflict resolution. The United Nations has maintained a small peacekeeping mission in Liberia, and the Economic Community of West African States [ECOWAS] has deployed thousands of peacekeepers in an effort to quell some of the violence. It has been a difficult assignment, to say the least.

There have been a dozen peace accords in Liberia in the past 6 years. They have failed for a variety of reasons, but most of them were doomed because they were not negotiated with the concept of powersharing for all the factional leaders; rather they sought to isolate some parties, in a war which nobody has won, and in fact everybody has lost. Consequently, there has not been a unified national will to stop the fighting.

The Abuja accord signed last month, though, represents a new way of doing business in Liberia: for the first time, all seven factions are represented and invested in the agreement; and for the first time, there is a concept of powersharing in Liberia. It also comes at a time when the people of Liberia have actively demonstrated their yearning for an end to the war. Ghanaian President Jerry Rawlings deserves a great deal of credit for his tenacity and creativity in facilitating the Abuja accord. I also commend the Nigerians for the role they have played in these groundbreaking negotiations.

For that reason, it is with a cautious sense of relief that I congratulate the people of Liberia on the peace agreement, and join Senator KASSEBAUM in urging support for the Abuja accord. Given the discouraging history of this war, success is, quite frankly, a longshot, but this agreement is Liberia's best hope at this time for peace.

The task of reconciliation in Liberia is daunting, so the Abuja accord must be viewed with a healthy dose of skepticism. But if the parties take the first steps and demonstrate their commitment to the process, then the United States will finally have an opportunity—after spending years of investing in humanitarian relief for Liberia—to bolster a peace.

The first signs have been promising. A ceasefire has been in place, and holding more or less, since August 26; the new transitional government, the Council of State, was inaugurated on September 1; an ambitious timeline for disarmament and demobilization has been set; and democratic elections have been scheduled for August 1996. But there is a long and difficult road ahead, with many obstacles to overcome.

For most of the problems, the answers will be hard to come by. For instance, when I was in Monrovia last year, Liberia was in the process of trying to disarm soldiers, pursuant to the Cotonou accords. Yet all they could offer a demobilized soldier was a bag of rice, a jug of cooking oil, and a pair of tennis shoes—just enough to feed a family for a few weeks, and hardly enough to substitute for a job as a soldier. Similarly, to reintegrate a child soldier requires a school and other constructive programs. Clearly, this will be a tremendously complicated and long-term process—one which involves not only national reconciliation, but also the development of alternative economic opportunities.

The United States has a moral interest in the fate of Liberia, and we have responded significantly to the humanitarian disaster of the past 6 years. We now must seize the opportunity to invest in peace. While we have limited funds to allocate to foreign aid at all this year, we can use our unique historical relationship with Liberia and the weight of creative diplomacy to advance the process of reconciliation in Liberia.

First, we must continue to offer support to the Council of State and, where

appropriate and possible, facilitate attempts at reconciliation. We should be available to President Rawlings in his efforts through ECOWAS to forge peace in the region as well. Second, we should redouble efforts to work with other West African States—namely Burkina Faso, Cote D'Ivoire, Sierra Leone, and Nigeria—to stop the flagrant arms transfers to Liberia. Third, Liberia should be designated as a priority within our aid budget to Africa, and resources should be allocated accordingly to support the peace process. If the Abuja accords prove successful, then the Assistant Secretary of State for African Affairs, the Honorable George Moose, or other high-ranking Administration officials should consider visiting Monrovia. These are all issues we will explore when the subcommittee holds its hearings on the prospects for peace in Liberia next week.

Over the years, the United States has proven itself willing to contribute in disaster assistance to Liberia. With the Abuja accord, we have a long overdue opportunity to help support a peace. After 6 harsh years of sadistic violence and dislocation, Liberia needs this agreement to succeed. This amendment will clarify that that can happen.

I thank the Chair and yield the floor.

AMENDMENT NO. 2714

(Purpose: To Allow Training of Foreign Police Forces During and After U.S. Military Operations)

On page 81, line 21, strike "paragraph" and insert "paragraphs." On page 81, line 23, after "enforcement." insert the following:

"(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy."

Mr. SPECTER. Mr. President, for two decades, section 660 of the Foreign Assistance Act of 1961 has prohibited the U.S. Government from training foreign police forces.

There are a number of exemptions, however: For example, antiterrorism and counterdrug training have been permitted. The foreign operations bill contains a new exemption; namely, for training foreign police to monitor and enforce sanctions.

The 1996 foreign operations report contains an additional exemption; that is, training for monitoring and enforcing embargoes.

Deputy Secretary John White and other officials believe that another exemption is needed.

In their view, the U.S. Government should be allowed to carry out police training during and after U.S. military operations.

During military operations in Grenada, Panama, Somalia, and Haiti, public order broke down. Creating new public safety forces in these countries was essential: U.S. forces were unable to leave until there was a new police force in place to protect the public.

But section 660 prohibitions technically prevented the Defense Department—the most effective organization in hostile environments—from performing this training; as the report of the congressionally mandated, bipartisan Commission on Roles and Missions of the Armed Forces stated, "there are no civilian agencies capable of short notice training in hostile, demanding environment. We expect DOD will continue to be called upon to carry out law enforcement operations in the future."

The Commission recommended that legislation that restricts the ability of the Federal Government to conduct constabulary training, for example, section 660, should be amended to allow greater DOD participation.

The Pentagon is prepared to accept its responsibility for short-term training in hostile environments, for example, Somalia. Before they do so, however, they wish to see section 660 amended.

The amendment would not require the Defense Department to do the training. Rather, it would allow the President to use whatever Government agency he felt was appropriate. In a lsss hostile environment, for example, Panama after Noreiga's capture, the FBI or other agency might do the training.

AMENDMENT NO. 2715

On page 67, line 11, add the following section:

(b) Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under such contracts. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AMENDMENT NO. 2716

(Purpose: To require a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this act)

At the appropriate place in the bill, insert the following new section:

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10, 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the Support for Eastern Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation.

AMENDMENT NO. 2717

(Purpose: To direct USAID contracting of mapping and surveying to qualified U.S. contractors)

Add the following in the appropriate section:

"To the maximum extent possible, the funds provided by this Act shall be used to provide surveying and mapping related services through contracts entered into through competitive bidding to qualified U.S. contractors."

Mr. STEVENS. Mr. President, I rise to offer an amendment which will require AID to contract out mapping and surveying work to qualified U.S. companies when such work can be accomplished by the private sector.

Mr. President, I am deeply concerned that while the Agency for International Development requires surveying and mapping in countries that receive development assistance, this mapping work is most often contracted out by AID to other government agencies. In many instances Federal agencies are aggressively marketing their mapping capabilities to foreign governments in direct competition with qualified U.S. companies. Despite language in previous committee reports, the amount of contracting for such services has not increased.

I encourage my colleagues to support this amendment.

AMENDMENT NO. 2718

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized

by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

AMENDMENT NO. 2719

(Purpose: To require certification by the Secretary of the State that the International Bank for Reconstruction and Development has not approved any loans to Iran)

On page 39, after line 19, insert the following: "*Provided further*, That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States."

AMENDMENT NO. 2720

(Purpose: To require additional reports pursuant to the United States-Hong Kong Policy Act (22 U.S.C. § 5731)

At the appropriate place in the bill, insert the following new section:

SEC. . REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1)—

(1) By inserting "March 31, 1996," after "March 31, 1995,"; and

(2) by striking "and March 31, 2000," and inserting "March 31, 2000, and every year thereafter,".

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that reports required to be submitted under that section on or after the date of enactment of this Act include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

Mr. MACK. Mr. President, the United States-Hong Kong Policy Act and the reports pursuant to that act have contributed to United States policy goals in Hong Kong. Senator MCCONNELL deserves thanks and appreciation for the work he did in seeing that bill passed into law.

The amendment adds the requirement of a report in 1996 and every year after 2000 pursuant to the United States-Hong Kong Policy Act. Currently, reports are not required in those years. The amendment also includes directive language establishing criteria for reporting on six issues related to the implementation of the 1984 Sino-British Joint Declaration on Hong Kong. Past reports have been deficient on these points. The purpose of the directive language, which does not amend the United States-Hong Kong Policy Act, is to give guidance on title III's existing reporting requirements. They do not reflect a departure or a change in Congress's stated policies in the act.

AMENDMENT NO. 2721

(Purpose: To require a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this act)

At the appropriate place in the bill, insert the following new section:

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomics, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial Institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

Mr. MACK. Mr. President, once again this year, I have submitted an amendment to require administration reports on economic policies in countries receiving U.S. economic assistance. It seems to me that in the wake of the collapse of communism and the vindication of free-market capitalist economic policies, it is absolutely essential that our policymakers keep in mind the economic principles and protections that have made the United States the freest and strongest country on the face on the Earth.

AMENDMENT NO. 2722

(Purpose: To state the sense of the Congress that the Administration should expeditiously declassify documents relating to Hondurans who were allegedly "disappeared," and for other purposes)

At the appropriate place in the bill, insert the following:

SEC. . HONDURAS.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were reportedly 184 unsolved cases of persons who were allegedly "disappeared." They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316, but in its 1983 human rights report the State Department stated that "There are no political prisoners in Honduras."

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly "disappeared" in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

Mr. LEAHY. Mr. President, amendment that I am sponsoring on behalf of myself, Senator DODD and Senator SARBANES, calls on the administration to declassify documents relating to individuals who were disappeared in Honduras during the 1980's.

There is considerable evidence that in 1981, a secret Honduran army death squad was created with the knowledge and assistance of the American Government. It was known as Battalion 316, and during the 1980's it engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. These were labor organizers, human rights activists, journalists, lawyers, students and teachers. The majority of them were engaged in activities that would be lawful in any democracy.

At that time, the American Embassy, which had ample reason to know about these activities, denied them. Even today, U.S. officials who were stationed there claim not to know.

But the fact is that as many as 184 people remain unaccounted for who may have been disappeared, and the Honduran Government, to its credit, has undertaken to determine their fate.

Regrettably, the U.S. Government has not done all it could to assist in this effort. In fact, it has been unhelpful. For that reason, consistent with a letter sent this week to the President by Senator HARKIN, myself, and several other Senators, this amendment calls on the administration to promptly make documents in its possession which pertain to these allegedly disappeared individuals available to Honduran authorities.

I understand this amendment is acceptable to the other side.

Mr. MCCONNELL. Mr. President, as I indicated, I am unaware of any problems with the amendments that have just been submitted to the desk on this side.

Mr. LEAHY. Mr. President, I advise my friend from Kentucky that there are no objections on this side. They have been cleared for adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

So the amendments (Nos. 2710 and 2714 through 2722) were agreed to en bloc.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous-consent that tonight when we have the debate under the previous unanimous-consent request regarding the Brown amendment, the time on this side under my control be under the control of the distinguished senior Senator from Ohio, Senator GLENN, or his designee.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me just say that we are hoping to handle an amendment or two before 7. And I remind everyone that beginning at 7, as Senator LEAHY indicated, there is a period of 5 hours of debate on the Brown amendment which will kick in. But we would like to handle some more amendments before then.

Already I think we can see the light at the end of the tunnel. There is no reason why we cannot finish this bill sometime tomorrow. The number of contentious amendments is relatively small already. So I am optimistic we will be able to finish. Obviously we will be able to finish tomorrow much more easily if we can get some more amendments processed between now and 7. So I would invite anyone to come over. I know that Senator SMITH has an amendment and may well be willing to offer it sometime before 7. But we would welcome anyone to come over.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, in keeping with the earlier designation by Senator LEAHY, I ask unanimous consent that all time in opposition to the Brown amendment be under the control of Senator GLENN.

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

Mr. MCCONNELL. 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. MCCONNELL. 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. MCCONNELL. For the information of all Senators, I see Senator SMITH is here and it is my understanding we will be able to have a vote on or in relation to the Smith amendment before 7 o'clock, so all Senators should be alert to the fact that there will be, in all likelihood, one more rollcall tonight before we go into debate, the lengthy debate on the Brown amendment.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I ask unanimous consent that it be in order to offer an amendment to the committee amendment on page 11, lines 9 and 10.

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

AMENDMENT NO. 2723 TO COMMITTEE AMENDMENT ON PAGE 11, LINES 8 THROUGH 10

(Purpose: To prohibit financial assistance to Vietnam unless certain conditions relating to Americans unaccounted for from the Vietnam war are met)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. THOMAS, Ms. SNOWE, and Mr. HELMS, proposes an amendment numbered 2723 to committee amendment on page 11, lines 8 through 10.

Mr. SMITH. 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:

At the end of the Committee amendment, add the following:

PROHIBITION ON FINANCIAL ASSISTANCE TO THE SOCIALIST REPUBLIC OF VIETNAM

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to establish most-favored-nation trading status with the Socialist Republic of Vietnam, or to extend financing or other financial assistance to the Socialist Republic of Vietnam from the Export-Import Bank of the United States, Overseas Private Investment Corporation, or Trade and Development Agency unless the President—

(1) provides Congress with the original case-by-case analytical assessments on unaccounted for American servicemen from the Vietnam Conflict which were completed by the Defense POW/MIA Office in July, 1995; and

(2) certifies to Congress that the Socialist Republic of Vietnam is being fully cooperative and fully forthcoming, on the basis of information available to the United States Government, in the four areas stipulated by the President, namely—

(A) concrete results from efforts by Vietnam to recover and repatriate American remains;

(B) continued resolution of discrepancy cases, live-sightings, and field activities,

(C) further assistance in implementing trilateral investigations with the Lao; and

(D) accelerated efforts to provide all documents that will help lead to the fullest possible accounting of POW/MIAs; and

(3) certifies to Congress, after consultation with the Director of Central Intelligence, that the Socialist Republic of Vietnam is being fully forthcoming in providing the United States with access to those portions of wartime Central Committee-level records and reports that pertain to the subject of Americans captured or held during the Vietnam War by North Vietnamese, Pathet Lao, or Vietcong forces in Vietnam, Laos, and Cambodia; and

(4) certifies to Congress that the Government of the Socialist Republic of Vietnam is making substantial progress to address United States concerns about the continued suppression of the nonviolent pursuit of democratic freedoms by the people of Vietnam, including freedom of expression and association, and the continued imprisonment of political and religious leaders, including American citizens.

Mr. SMITH. Madam President, I do not choose to take too much of the Senate's time. I will be very brief. I know that Senator THOMAS and Senator MCCAIN are going to be speaking for and against the amendment.

I am very pleased in offering this amendment to join with the distinguished chairman of the Foreign Relations Subcommittee on East Asian and Pacific Affairs, Senator THOMAS, in offering this amendment. I very much appreciate his support. I also appreciate the support of the Senator in the chair, the Senator from Maine, for her support and cosponsorship as well.

The language in this amendment is very straightforward. It prohibits the granting of any special trading privileges to the socialist Republic of Vietnam unless the President makes two key certifications to Congress. The first of these is that Vietnam is cooperating fully with efforts to account for missing American servicemen from the Vietnam war.

That is very straightforward. It does not mean that they have to provide answers for every single person who is missing; some they may not be able to provide. The key is, are they fully cooperating with those efforts to account for missing Americans, giving us the help and assistance that we need to try to get information regarding our missing.

Second, that Vietnam has taken steps to improve its human rights

record, which is far from exemplary, and that would include addressing United States objections over the detention of American citizens now in Vietnam. The POW/MIA-related portion of this amendment was part of a resolution I introduced this past May which was cosponsored by the majority leader, Senator DOLE, and by the chairman of the Foreign Relations Committee, Senator HELMS, and the chairman of the Armed Services Committee, Senator THURMOND, the Banking Committee chair, the Asian Pacific Subcommittee and Defense Appropriations Subcommittee, the Commerce-State-Justice Appropriations Subcommittee, and the International Operations Subcommittee. All of those chairs supported this.

As my colleagues may recall, since coming to office, President Clinton has taken five major steps to improve relations with Vietnam. Let me just briefly reiterate those.

One, in July 1993, 2 years ago, the President ended United States objections to Vietnam having access to International Monetary Fund loans, a very significant step, moving Vietnam allegedly into the international community.

Second, in September 1993, the President allowed United States companies to bid on internationally financed development projects in Vietnam.

Third, in February, 1994, he ended the U.S. trade embargo.

Fourth, in January 1995, the President allowed Vietnam and the United States to open liaison offices in our respective capitals.

And finally, Madam President, this past summer the President announced his decision to establish diplomatic relations with Vietnam.

So the administration has taken very dramatic steps in the past 2 years to bring Communist Vietnam into the family of nations, but it should not be one-sided, Madam President. There should be a two-sided equation.

Quite frankly, I think it is now time for Vietnam to take some very dramatic steps equaling in significance the steps taken by the President before the American taxpayer is asked to subsidize specific trading privileges with that country.

Specifically, I want the President to tell us if Vietnam is fully cooperating on the POW/MIA issue. That is all I am asking—the President to say Vietnam is fully cooperating with us on the POW/MIA issue.

I would like assurances that Vietnam is addressing our human rights concerns as well.

We also would like the President to provide us with complete information on the status of those who are still missing from the war, something which was required last year by a unanimous vote in this Chamber. By unanimous vote of the Senate, we asked that information on the status of Americans still missing from the Vietnam war be provided to the Congress.

Mr. President, for the information of my colleagues, I would just include three items in the RECORD that will give a perspective of where we are concerning the issue of human rights in Vietnam and the MIA/POW issue.

The first item is an Associated Press article from last month concerning the sentencing of two American citizens in Ho Chi Minh City who did nothing more than try to organize a nonviolent conference in Vietnam. That was their crime, a nonviolent conference.

I know that Senator THOMAS has already expanded on this issue of Vietnam's human rights record in a floor statement he made earlier this month so I am not going to belabor it because I think he will speak to that.

The second item is a letter I sent to the Under Secretary of Defense in August requesting information on POW/MIA cases, as is required by law. There has been no response to that request despite the congressional testimony earlier this year that the requested information would be provided to Congress by this past July. It is a difficult task to provide this information, and I am fully aware of that, but it has not been provided. I think Congress should have this information. That is all I am asking. Let Congress get this information before any further trade decisions are made on Vietnam.

I think this is especially important because these trade agreements with Vietnam are going to be subsidized through some of these international monetary organizations by the American taxpayer. We are cutting moneys everywhere to reconcile our budget, get it balanced and have a 7-year plan to do it, and surely the American taxpayer should not be subsidizing this country if it has not provided the information as required by the laws passed by this Congress.

The third item is a breakdown of 2,197 cases of unaccounted Americans from the Vietnam war by country of loss and military service. And I ask unanimous consent, Madam President, that these referenced items be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SMITH. Madam President, this is a very reasonable amendment. I know there is some opposition to it, but it makes clear to Vietnam, it sends a very strong message to Vietnam and to President Clinton about the seriousness of our resolve in Congress to obtain full cooperation on the POW issue as well as improvements in human rights cases. It sends that message. That is a reasonable message to send that we expect full cooperation and we expect improvement in human rights cases if we are going to provide taxpayer subsidies to help them, the Vietnamese, get loans. This is not an attempt to replay the decision that was made to establish full diplomatic relations. We lost that debate, and I understand that. I did not like it, but I understand it. But what we are trying to do now is make Vietnam comply with what is required.

When the President is ready to tell the American people that our concerns have been addressed, then I will withdraw any objections that I have to move forward on trade. But the President must tell us, and he has not done that. If the President is going to move forward on trade, forward on establishing the diplomatic relations and the mission and all of those things, is it too much to ask to simply have the President of the United States certify to Congress that we are receiving the fullest possible accounting?

I hope that my colleague, the Senator from Kentucky, might take a second look at opposition to this amendment because I do not think it is unreasonable. It is really very, very specific and very, very reasonable. We should not have to fund any trade decisions before receiving a certification from the President. It is that simple. That is what the law provides for.

Let us hope, Madam President, that the leaders of Vietnam will choose to respond in a significant way to the five major concessions that this President has already made to Vietnam. I have listed all five. And they have been made in the last 2 years, not over a period of 20 years, but a period of 2, very rapidly.

And I would just say that if those conditions would be met, if the Vietnamese could respond to those five points, the President steps forward and says that we have fully received now the full cooperation of the Vietnamese and we get that list on MIA's and we can get the cooperation on the human rights violations, both specifically—I think Senator THOMAS will discuss the two cases—then I think we can move on. But we should not be moving on before. A lot of people died in this war, and a lot of families are still waiting for answers. And they deserve to have the President of the United States step up to the microphone, face the American people, and say very simply, the Vietnamese are fully cooperating; they are providing all the information that they have and can provide unilaterally to the United States of America regarding their missing in action. When he says that, the day he says that, I will be the first Senator down on the floor to say, "Fine. Let us move on." That is all I am asking. That is not an unreasonable request.

Madam President, I ask unanimous consent that Senator DOLE be listed as an original cosponsor.

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

Mr. SMITH. I yield the floor.

EXHIBIT 1

[From the Associated Press, Aug. 16, 1995]

STATE DEPARTMENT CALLS VIETNAMESE JAILING OF U.S. CITIZENS UNWELCOME

WASHINGTON.—The State Department says the jailing by Vietnam of two Vietnamese-Americans on subversion charges is unwelcome.

In a two-day trial ending Saturday, a court in Ho Chi Minh City sentenced Nguyen Tan Tri, 39, to seven years in prison and Tran Quang Liem, 45, to four years on charges of trying to overthrow Vietnam's government.

Both hold American as well as Vietnamese citizenship and have been held since November 1993. Seven Vietnamese also were sentenced.

David Johnson, a State Department spokesman, said Tuesday he did not know specific charges against the two Americans, although U.S. diplomats attended the trial.

"It's certainly unwelcome that American citizens engaged in the peaceful expression of political views are arrested and imprisoned," Johnson said.

[From Reuters, Aug. 16, 1995]

U.S. RIGHTS GROUP CONDEMN VIETNAM VERDICTS

(By John Rogers)

HANOI, VIETNAM.—The U.S government and human rights groups have attacked two Vietnamese court verdicts that showed communist authorities were maintaining a tough stance against dissidents.

The cases appeared likely to heighten strains over treatment of political offenders between Hanoi and Western countries with which it is doing increasing business, diplomats said in Hanoi Wednesday.

In Washington, the State Department criticized prison sentences passed by a Ho Chi Minh City court last week on two Americans of Vietnamese origin and seven other people for attempted subversion.

The nine were jailed for between four and 15 years for setting up an illegal opposition party in 1992 in Ho Chi Minh City, the official Vietnam News Agency (VNA) reported earlier.

The Communist Party is Vietnam's only legal party.

State Department spokesman David Johnson said Washington conveyed its displeasure to Hanoi over the case.

"We have repeatedly voiced our support for peaceful expression of political views and urged the Vietnamese authorities to recognize that right," he said.

The U.S.-based pressure group Human Rights Watch/Asia also attacked the verdict, as well as the jailing of a leading dissident Buddhist monk and five other Buddhists in an unrelated trial Tuesday.

The Ho Chi Minh City People's Court jailed the monk, Thich Quang Do, for five years over an attempt by dissident Buddhists to mount a relief effort separate from the government's for victims of severe floods in the Mekong Delta last year.

Do, deputy leader of the banned Unified Buddhist Church of Vietnam (UBCV), was tried under his lay name of Dang Phuc Tue because, the government said, the case did not involve religious activities.

He and his co-defendants, UBCV supporters, were convicted of undermining national solidarity and "taking advantage of the right of freedom and democracy to damage the interests of the government and social organizations."

Human rights Watch/Asia, in a statement sent to news bureaux in Hanoi, called for the release of those convicted.

"In both cases, we are unaware of any evidence that the defendants have committed any acts that could be characterized under international law as criminal." its counsel Dinah PoKempner said.

"Their offence appears to consist of having peacefully expressed controversial religious or political views."

Western diplomats said the two cases showed Hanoi was not easing political controls despite improving relations and business ties with the West and non-communist Asia.

The United States finally established diplomatic relations with Hanoi this month, 20 years after the Vietnam War. Vietnam joined the Association of Southeast Asian Nations (ASEAN) in July, becoming its first communist-ruled member.

The Paris-based International Buddhist Information Bureau, which acts as the UBCV's overseas mouthpiece, condemned Do's conviction and called for a retrial.

U.S. SENATE,
Washington, DC, August 18, 1995.

Hon. WALTER B. SLOCOMBE,
Under Secretary of Defense,
Department of Defense, Washington, DC.

DEAR WALTER: I am writing to express my concern that the Congress has yet to receive the final results of the comprehensive review of Vietnam-era POW/MIA cases promised by Secretary of Defense Perry in his letter to the Senate Armed Service Committee dated February 17, 1995. As you know this review was initiated in response to Section 1034 of the Fiscal Year 1995 National Defense Authorization Act (Public Law 103-337), the intent of which was to require a listing of such cases by November 17, 1994.

In a followup letter to me dated April 7, 1995, you stated that the Department of Defense was giving this matter its utmost attention and that you were confident the review would be completed during the summer. You also reiterated that "the Department will report the results of DPMO's review to Congress on its completion." Subsequently, in testimony before Congress on June 28, 1995, Deputy Assistant Secretary of Defense for POW/MIA Affairs James Wold stated that he expected that the review would be an "all-encompassing look at every individual case which would provide a solid analytic assessment of the appropriate next steps for achieving the fullest possible accounting." I support Secretary Wold's conclusion on June 28th with respect to this review that "our unaccounted for Americans deserve no less," and that he would "work to ensure that we keep our promise to them."

It is my understanding that the above-mentioned review has now been completed by the Defense POW/MIA Office (DPMO), in conjunction with J2 of the Joint Task Force (Full Accounting). I further understand that the analytical product which resulted from this review has been presented to National Security Council and Department of Defense policy level officials for comment before it is forwarded to the Congress.

As you know, there are many of us in Congress who believe that the results of an honest and thorough analytical review of outstanding POW/MIA cases by DPMO would likely reinforce previous CIA and DOD assessments that Communist Vietnamese and Laotian officials have the ability to unilaterally account for several hundred missing American servicemen.

It is my hope that you will keep the commitment in your letter dated April 7, 1995 to "report the results of DPMO's review to Congress on its completion." I certainly understand the obvious interest of DOD and NSC policy level officials in the results of this review, especially in view of Administration statements that Communist Vietnam's "splendid and superb" cooperation on the POW/MIA issue provided justification for the President's decision to expand diplomatic and economic relations with Hanoi. Nonetheless, I hope that any objective assessments by DPMO's intelligence analysts will not now be subjected at the policy level to "different views about how things should be put in the report," as you described on April 7th. As you know, I previously raised similar concerns about policy level skewing of intelligence information in my March 7, 1995 letter to you regarding Secretary Perry's February 17th interim report.

Accordingly, I request that the analytical results of DPMO's comprehensive review of Vietnam-era cases of unaccounted for personnel be immediately forwarded to the Congress. Aside from myself, there are several members of Congress, working on behalf of constituents and POW/MIA families, who have been waiting nearly a year to scrutinize this information.

Sincerely,

BOB SMITH,
United States Senator.

SUBJECT: MONTHLY PW/MIA STATISTICAL REPORT

Background: The Department of Defense, Washington Headquarters Service, and the Department of State report the current numbers of Americans who are unaccounted for in Southeast Asia:

FIGURE 1.—AMERICANS UNACCOUNTED FOR IN SOUTHEAST ASIA

Country of loss	PW/MIA	KIA/BNR	Total
North Vietnam	337	256	593
South Vietnam	430	592	1,022
Laos	317	181	498
Cambodia	36	41	77
China	6	2	8
Total	1,126	1,072	2,198

* Status as of Homecoming.

Figure 2 summarizes all unaccounted for Americans in Southeast Asia by components:

FIGURE 2.—U.S. LOSSES BY SERVICE COMPONENT

Component	PW/MIA	KIA/BNR	Total
USA	353	313	666
USN	115	317	432
USMC	101	174	275
USAF	523	260	783
USCG	0	1	1
Civilian	34	7	41
Total	1,126	1,072	2,198

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I had some lingering hope that the Congress, or at least the Senate, had finished debating Vietnam. The President made his decision to normalize relations with Vietnam—a wise decision in my judgment—and most Americans, including most veterans, concurred in that decision. Editorial opinion was almost uniformly positive.

There was, of course, some inflammatory language coming from some Members of the House of Representatives—but they were so few in number

as to be insignificant. Suffice it to say, that the President was right to normalize relations with Vietnam, and the country has breathed a sigh of relief that our long war with Vietnam is over.

It is also apparent to all that there is little support in the Senate for reversing the President's decision to open an embassy in Hanoi. If there were such support I am sure we would be debating an amendment to prohibit funds for an embassy. Thus, Madam President, I was lulled into the comforting, but false notion that I would not be obligated to debate my colleagues again on the subject of Vietnam.

I should have known better.

Mr. dear friend—and he is my dear friend—from New Hampshire is a persistent opponent on this question. He has chosen to take another cut at running our Government's Vietnam policy out of his office. It is his right to make such an attempt. And while I respect his zeal and his patriotism, I hope he will under stand my disappointment in having to come to the floor to take issue with him again. I fear that it has become my fate to forever fight about Vietnam, and that is something I never anticipated when I left that country so many years ago.

Madam President, the President of the United States has set the policy for United States-Vietnam relations, as it is his duty to do. It is my friend from New Hampshire's right to oppose that policy. And make no mistake, his amendment is an attempt to overturn it.

Although the amendment does not reverse the President's decision to open an embassy, it does prevent or at least impede the development of normal relations between our two countries. I think that is a serious mistake; I think most Americans will see it as a mistake, and I hope the Senate will go on record in strong opposition to it.

On the question of using trade as leverage to ensure continued POW/MIA progress, let me point out an incontrovertible fact: Before the President lifted our trade embargo against Vietnam, opponents of that decision warned that without the coercion of an embargo, the Vietnamese would stop cooperating with our efforts to account for our remaining missing. As it turned out, quite the reverse happened. Vietnam's cooperation increased. Before the President decided to open an embassy in Hanoi, opponents of that decision warned that once we abandoned the incentive of diplomatic relations, the Vietnamese would stop cooperating with our accounting efforts. Again, quite the reverse happened. Cooperation has continued.

Eight sets of remains, believed to be Americans, have been recovered since the President announced his intention to normalize relations.

During his August visit, the Vietnamese gave Secretary Christopher a 3½ inch stack of wartime records, 116 documents in all.

Senator HARKIN, in his trip to Vietnam this summer, also received a great many pages of documents, records from the Vietnamese Interior Ministry.

Our 37th joint field operation with the Vietnamese is currently underway and yielding good results.

Now, the opponents of normal relations argue that if we do not freeze the development of normal relations by restricting United States businesses from trading with and investing in Vietnam, Hanoi will no longer cooperate with us. On this, as on every occasion in the past, they will be proven wrong. They will be proven wrong because the Vietnamese, like most Americans, believe it is in their interests—their best interests—to develop a strong, mutually beneficial relationship. Those interests override any lingering resentments from the war.

Vietnam's interests are numerous. The most obvious are Vietnam's desire to enter the modern world and enjoy the same economic growth and prosperity experienced by their Southeast Asian neighbors. They also are rightly concerned about regional stability and the determination that no single power dominate Southeast Asia.

It is for these reasons and others that Vietnam will continue to cooperate with our POW/MIA efforts. There is also the fact that there is nothing to be gained by not cooperating. The Vietnamese are a lot of things, but it has been my experience that they are seldom capricious. They act in their interest. Their interests are best served by good relations with the United States—whether or not we give them MFN or OPIC credits or whatever. They know that, and will act accordingly.

It is also in our interests to engage Vietnam. First, as I have already pointed out, because it best serves the cause of POW/MIA accounting. Second, because we too have an interest in regional stability, and an economically sound Vietnam playing a responsible role as a valued member of ASEAN serves that end very well.

I also believe that since it is not in our power to isolate Vietnam—they have rapidly developing relations with the rest of the world—our best hope for encouraging political reforms is to engage Vietnam and become more deeply involved in their economic well-being.

Madam President, I do not really want to debate this issue much longer. Few topics have been so extensively debated in American history as Vietnam. Frankly, I am extremely weary of the subject, so I will conclude with this reminder.

It is profoundly in our interest to construct from the peace a relationship with Vietnam that serves the interest of the Vietnamese and the American people far better than our old antagonism did. The war in Vietnam is over. It is over. I respectfully ask my colleagues to demonstrate that the Senate has grasped this reality and support the President in his attempt to make something better from our future relations with Vietnam than we were able to do in our sad distant past.

Madam President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I rise in strong support of the amendment of the Senator from New Hampshire to H.R. 1868, regarding the extending of economic benefits to the Socialist Republic of Vietnam.

I shall be brief. My associate from Missouri wants to speak, and we want to vote before 7 o'clock.

As Senator SMITH pointed out, while the Clinton administration has been quick to normalize relations with the Government of Vietnam, it has not been as quick to meet its obligations to the Congress and the American people. For example, section 1034 of Public Law 103–337 requires the Secretary of Defense to provide the Congress with a complete list of missing or unaccounted United States military personnel about whom it is possible that Vietnamese and Laotian officials could produce information or remains.

The statute mandated that report to be submitted to us by November 17, 1994. When the DOD requested an extension of the deadline to February 17, 1995, we did not object. We did not object when the DOD supplied us with a sadly incomplete interim report. But, Madam President, more than 7 months after that date, we still have not received the complete report required by the statute. This was not a request, not a casual invitation to provide information. It is a legal mandate.

Second, despite both administration and Vietnam protestations to the contrary, I do not believe the Government of Vietnam has done its fullest to account for the POW/MIA's, especially as regards records of United States servicemen who disappeared in, or were taken across the border into Laos.

Finally, in all this controversy surrounding the POW/MIA issue, we seem to have lost sight of the important fact that there is disregard for human rights in that country. I will not go into detail. I put them in the RECORD some time ago.

So I will just conclude by saying, until the President can certify to us that, in his judgment, the Vietnamese are living up to their expectation—that is not too much to ask—and their promises regarding the MIA's and POW's and its international right to commitment, I think it is irresponsible and bad judgment for us to provide funding for them.

I urge my colleagues to support the Senator's amendment. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I say to the Senator from Missouri, I will take just a couple minutes.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. Madam President, I have a couple of brief responses.

I thank my colleague from Wyoming for his remarks. He has been very helpful on this issue. This amendment, I want to point out, does not reverse anything the President has already done. It does not reverse the diplomatic ties, it does not go back and replay the war, it does not mean that Senator SMITH is running Vietnam policy out of his office. What it does mean is that this debate continues because this is a one-sided equation. It continues because the President of the United States has made significant movements. Some of us oppose those movements, but we are not replaying that. He made those decisions, and he moved forward.

I respect the will of the majority. That decision has been made. I am not replaying that. But what I am trying to point out is that the Vietnamese have not responded in kind to those moves. I think we have an obligation to the families who still wait for answers to have them respond in time before the taxpayers of America, through subsidizing the International Monetary Fund and other international organizations, are going to be providing funds to the Vietnamese. I think they have a right to have the President of the United States, who implemented this policy, stand before the Congress and the American people and say: "The Vietnamese are fully cooperating with the United States Government on the accounting of our men."

I ask any of my colleagues who have spoken previously in opposition to my amendment, or who will speak in the future in opposition to my amendment, whether it be Senator BOND or anyone else, stand here on the floor of the Senate and make the statement in the affirmative that the Vietnamese are fully cooperating—fully cooperating—with the United States of America and the accounting of our men. I have not heard that.

If you think Vietnam has been fully cooperative, if you really think they have been, vote against my amendment; I want you to vote against my amendment. If you believe the Vietnamese are fully cooperating on this issue, then vote against my amendment. If you believe they are not, then you should vote for my amendment.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I join my colleagues from Arizona and Massachusetts in urging Senators to oppose this amendment. Earlier this year, President Clinton made the decision to restore diplomatic relations with Vietnam. That was a correct decision for him to make, one which I supported and I believe a majority of this body supported.

Frankly, when the President announced his recognition of Vietnam, he made an announcement at the time that the conditions had been complied with. I think it is time the United States restore relations with Vietnam. It is in the best interest of the United States and in the best interest of the families of those soldiers who continue to be missing in action.

I did not serve in Vietnam, as did my colleagues from Arizona, Massachusetts, and New Hampshire, but I have traveled, however, to Vietnam in the past year. I participated in extensive meetings with our military officials there who are responsible for discovering the fate of those missing in action.

I came away from every single one of those conversations with the same clear message, and that is, the Vietnamese are working very hard to meet our request for assistance. I got the same message in June when I met with the Presidential delegation who just returned from meetings in Vietnam. Vietnam has allowed us to conduct field exercises, allowed us to dig up military cemeteries.

Can you imagine our permitting a nation with which we engaged in armed conflict to come in and dig up Arlington? You talk about cooperation. I had the opportunity to talk with Col. Mel Richmond who is in charge of the Joint Task Force for Full Accounting, and he has outlined the great lengths of cooperation to which the Vietnamese have gone. I can tell you from the men who are directly involved in the effort that they believe that increased contacts and relations between the United States and Vietnam will increase our ability to find out any possible leads to those who remain, and they are very few.

Those who were not lost at sea, those who have had any possible sightings, there are fewer than 100 open cases, and there have been extensive efforts on behalf of each of those cases to track them down.

The amendment that is offered by our friend from New Hampshire would set additional conditions before the administration can go forward with additional trade ties, including Eximbank support, OPIC, TDA and MFN status.

There would not, as suggested by my colleagues, be any savings to the American taxpayer. These activities, basically, are to provide assistance to American businesses which are now competing for business in Vietnam. These programs carry with them their own conditions on when they can be utilized, and there is, in my judgment, no reason to delay at this point the opportunities to obtain, through better contact, information from Vietnam by allowing American businesses who are there competing for the opportunities in a growing market to go further.

I believe that the demonstrated activities, the demonstrated efforts by the Vietnamese have justified the President's announcement on the signing of the relationship agreement with Vietnam that the conditions are being complied with.

That does not make sense. It would only have the impact of keeping United States firms from being competitive with their European, Japanese, and Taiwanese competitors. It will do nothing to help the MIA search.

All of these programs carry requirements that must be met in terms of human rights certifications, labor certifications, and so forth. It does not make sense to add additional requirements.

Certainly we need to keep pressure on the Vietnamese Government to help us with the MIA search, and certainly we need to keep pressure on them to improve human rights.

However, it only makes sense to increase bilateral ties, increase trade ties, and have as many Americans over there. That increased contact is the best thing we can do to influence their conduct.

Ms. SNOWE. Mr. President, as a cosponsor, I rise in support of the amendment offered by the Senator from New Hampshire, Senator SMITH.

Mr. President, I would like to recognize the distinguished Senator from New Hampshire for his tireless efforts on behalf of the families of American POW's and MIA's. As a Vietnam veteran, he has always kept first in his concern the fate of those American men and women who never returned from this most divisive of all of our wars.

This amendment puts aside the controversies over President Clinton's decision to grant full diplomatic relations to the Socialist Republic of Vietnam. Rather, this amendment simply says that Vietnam will not receive most favored nation trading status, or other trade benefits until the President reports to Congress that Vietnamese officials are fully meeting United States expectations on the POW/MIA issue.

I would like to emphasize that the criteria the President would have to certify are drawn directly from the President's own past statements on the strict standards he would use for judging whether the Vietnamese have indeed been entirely cooperative in achieving the fullest possible accounting of America's MIA's.

We all have the same goal, which is to achieve the fullest possible accounting for those Americans who did not return from Vietnam. But the families and loved ones of those Americans are not able to so easily put this issue behind them. They have a need to know; they have a right to know.

And that leads to what I believe this issue is all about: that is, what does this nation stand for? My personal belief is that a basic principle is at stake here.

What America is all about requires us to keep our faith with the families of those who remain missing and who are unaccounted for from the Vietnam war. This argues for using the leverage we have to ensure the greatest possible accounting for these missing Americans.

To this end, the United States has already come half way. Indeed, we have come more than half way.

In just the past 19 months, the United States lifted its economic and trade embargo, permitting full trade relations and investment by U.S. companies in the country. In addition, we reached an accord with Vietnam settling property claims between our two governments; we have established in Hanoi a United States liaison office staffed by American diplomats and functioning as a lower-level diplomatic presence; we have signed a diplomatic agreement protecting United States citizens who may reside in or travel to Vietnam; and we have established full diplomatic relations with Vietnam.

For years the Government of Vietnam refused to provide even the slightest assistance in resolving these MIA cases. Vietnam only began—grudgingly—to assist in accounting for these missing Americans when the country lost its patron with the collapse of the Soviet Union.

In the words of the American Legion, "Vietnam's cooperation on the resolution of the POW/MIA issue has not fulfilled reasonable expectations." The National League of Families of American Prisoners and Missing in Southeast Asia has also criticized those, "commending Vietnam for full POW/MIA cooperation despite evidence to the contrary."

In fact, the league has noted that actions the United States already took leading up to the President's normalization decision have, "signaled Vietnam that unilateral actions on their part are not expected nor required to achieve their political and economic objectives."

And since the President ended the United States embargo on Vietnam, only eight Americans who were captured or became missing in action in North Vietnam have been accounted for.

I believe that we should have been more insistent in using the considerable leverage we have with Vietnam—leverage that we are in danger of throwing away if this amendment is not approved. Vietnam is anxious to establish close economic and political ties to the United States as a counterweight to China, its traditional rival to the north.

But to me, and I believe to most Americans, full cooperation in accounting for our remaining MIA's should have been an absolute threshold that Vietnam was required to meet before we took the final step of rewarding the Vietnamese Government with a full United States trade relations.

The only step remaining is the granting of full trading relations to Vietnam. I believe that the status of our relations with Vietnam are still too new and too uncertain for such a precipitous step. Granting this final concession now is simply too great a risk, given continuing grave uncertainties about the true level of Vietnamese knowledge about the fate of the many of the Americans who never returned.

And the POW/MIA issue does remain in question. The names of 58,196 Americans have been etched into the reflective walls of the Vietnam Veteran's Memorial. Listed with them, each marked with a simple cross, are the names of 2,205 Americans still unaccounted for in Vietnam. This means that for every 25 young Americans who gave their life in Vietnam, an additional American simply disappeared and was never heard from again.

A much more reasonable approach, I believe, is the approach proposed by the Senator from New Hampshire, Senator SMITH. The Smith amendment would ensure that our duty and obligation as a nation is fully met to our MIA's and their families before we in the U.S. Senate endorse full trade relations between our two countries.

I urge adoption of the Smith amendment, and I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Massachusetts.

Mr. KERRY. The hour of 7 o'clock will momentarily arrive. I know the Senate is under a UC to go into certain business.

I ask unanimous consent that I be permitted to proceed for no longer than 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair. I will be very, very brief. There are times when many of us have been prompted to come to the Senate floor in order to solicit action from the Congress on the basis that the President was not doing something or we were engaged in a bad policy. But, as my colleagues on the other side of the aisle know—and I know the Senator from Arizona has followed this as closely as anybody in the Senate—the President has been pursuing a very deliberate, very careful, very cautious strategy with respect to Vietnam and, step by step, has guaranteed that they are cooperating fully in the process of accountability.

We have heard these arguments before. Each year, when we have heard these arguments, we have seen irrefutable proof that Vietnam is cooperating to the best of our military commander's judgment, to the best of the judgment of the people in the field.

I would think most of my colleagues would feel that this is really an excessive intrusion on the part of the Congress, an unwarranted intrusion into the legitimate powers of the President, and at a time when there is nothing that suggests that anything but a careful and deliberative accounting process is going on.

Finally, there is language in this particular amendment which is so unspecific, nonspecific, as to open a Pandora's box of capacity for really an imprecision that allows nobody to know exactly what documents we are asking for, and precisely who has them. I say that based on my knowledge of this issue, at this point, there is no knowledge that they even exist. So we, once again, begin chasing one of the mythical dragons. I think it is unnecessary. I associate myself with the comments of my colleagues on the other side of the aisle.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. MCCONNELL. Mr. President, it is my understanding that the yeas and nays have been ordered on the Smith amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 453 Leg.]

YEAS—39

Abraham	Cohen	DeWine
Brown	Conrad	Dole
Byrd	Coverdell	Dorgan
Campbell	Craig	Faircloth
Coats	D'Amato	Feingold

Gramm	Kempthorne	Smith
Grams	Kyl	Snowe
Grassley	Lott	Stevens
Gregg	Mack	Thomas
Hatch	Moseley-Braun	Thompson
Helms	Nickles	Thurmond
Hutchison	Santorum	Warner
Inhofe	Shelby	Wellstone

NAYS—58

Akaka	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moynihan
Bingaman	Harkin	Murkowski
Bond	Heflin	Murray
Boxer	Hollings	Nunn
Bradley	Inouye	Packwood
Breaux	Jeffords	Pell
Bryan	Johnston	Pressler
Bumpers	Kassebaum	Pryor
Burns	Kennedy	Reid
Chafee	Kerrey	Robb
Cochran	Kerry	Roth
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Domenici	Leahy	Simpson
Exon	Levin	Specter
Feinstein	Lieberman	
Ford	Lugar	

NOT VOTING—3

Biden	Hatfield	Rockefeller

So the amendment (No. 2723) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2708

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I believe the next item on the agenda is the debate scheduled on the Brown amendment. I would like at this time to yield 5 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Chair advises the Senate that on the Brown amendment No. 2708, there will be 5 hours of debate equally divided, and the Senator from Colorado yields to the Senator from Washington, [Mr. GORTON].

The Senator from Washington.

Mr. GORTON. I thank the Chair.

I appear here this evening to add my voice to my vote in supporting the amendment of the Senator from Colorado. Much, perhaps all, that needs to be said on this issue has already been said, but I believe it important that there be more voices than the handful that have spoken out so far.

The Senator from Colorado has pointed out that in spite of the policies of the United States, Pakistan has continued to be a friend and an ally of the United States, has helped the United States when we were involved in assisting rebels in Afghanistan, has helped the United States in connection with the return of fugitives fleeing justice here in this country, has moved in spite of great difficulties more and more toward a democratic system and toward a system based on free market economies.

As the Senator from Colorado has pointed out, in a very difficult part of the world, this nation has helped in the pursuit of peace and security and stability.

I should like to say that in the most profound sense, as we deal with this issue, that friendship and that assistance is almost irrelevant. This debate in this body at least is not so much about Pakistan and India as it is about the United States, its administration, and this body.

Mr. President, a great nation honors its commitments. This Nation has repudiated its commitments and should reverse its course of action and embrace that part of honor once again. This Nation permitted the manufacture and sale to Pakistan of certain military aircraft. They have been bought and paid for, and yet for years we have not only denied the right of the purchaser to take possession of those aircraft, we have added insult to injury by not showing our willingness, having set this policy, to pay back the purchase price and in fact are demanding from Pakistan payment for storage charges for the aircraft.

That is not the action of an honorable country. That is not the action of a nation which keeps its commitments. I strongly suspect that the Senator from Colorado would prefer simply that we keep our original agreement. He has not gone so far. He has simply suggested that those items of military equipment that are owned by Pakistan that are here for repair, which have also effectively been confiscated by the actions of our Government, be returned to Pakistan and that in the most modest possible way of dealing with the aircraft, they be sold to third parties and the proceeds of those sales be returned to the nation which has paid for them.

I wish we were voting on a more decisive action, Mr. President. I have that wish not so much because of a strong opinion on the rivalry between India and Pakistan as I do to remove this blot from our own record. As I said earlier, an honorable nation keeps its commitments. We have not kept our commitments. We should do so to the extent required by this amendment.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, will the Senator yield me time?

Mr. GLENN. I yield the Senator 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. PRESSLER. Mr. President, let me give a little history of how this amendment came about, if I may be allowed to do so.

In the mid 1980's, the Carter administration had shut off aid to Pakistan because of their alleged nuclear activities. In about 1985, there was an amendment in the Foreign Relations Committee known as the Cranston amendment which would have legally shut off aid to Pakistan. The Reagan administration at that time asked me to offer an amendment to the Cranston amendment which would allow Pakistan to get money. The amendment said that Pakistan would receive United States aid money and buy military aircraft, and so forth, so long as the President could certify that they did not have a nuclear weapon.

Now, under the terms of that agreement, Vice President Bush at that time and others were promised by the Pakistanis that they were not developing a nuclear weapon and that the so-called Pressler amendment would never come into effect. Indeed, until 1990, Pakistan received aid and received military equipment and there was military sales.

Then, in 1990, then President Bush, who had been Vice President at the original time we worked this out, was President and his administration could no longer certify that Pakistan did not have a nuclear weapon. So, in other words, President Bush concluded that Pakistan had not told the truth and it was buying arms under false premises.

That is the twist to this debate which seems to have been forgotten. Originally, Pakistan supported the Pressler amendment. Originally, the Pressler amendment was a means to help Pakistan get money and to buy arms provided that she was not developing a nuclear weapon.

That seems to have been forgotten in this whole debate, because we talk about countries' honor and countries' decency, and so forth. There are many twists to this story regarding the Pressler amendment. Since 1990, each year our CIA with our technical means of assessment has concluded that Pakistan does, indeed, have a nuclear weapon, although Pakistan has continued to deny that, although on one or two occasions their top generals have said that that is true.

Another complex thing in this whole matter is that there seems to be two distinct governments in Pakistan. And let me say, first of all, I like Pakistan. I have been to Pakistan several times.

I want our country to be friends with Pakistan. I have been up to the Khyber Pass. I know that Pakistan has been our ally and Pakistan has done a great deal for and with the United States, and we have done a great deal for Pakistan. I want to be friends with India and Pakistan in the long run. I think China is driving the nuclear weapons race over there, basically. And China really is the country we should be worried about. So I am not here to beat up on Pakistan or to criticize it.

But I would also say that I have had some good talks with the Prime Minister of Pakistan about trying to get this resolved. The problem is that it is the Pakistani military who really

makes the decisions, I think, on the issue of nuclear weapons and on whether or not they possess them. So that is how we have gotten to where we are today.

Now, it is proposed that we are somehow guilty or we have done something wrong as a nation. But Pakistan purchased these planes while knowing very well that they were developing nuclear weapons, knowing very well that we had a law against it, knowing very well that they would not be able to be delivered if that were discovered. And in 1990 that was discovered. So there has been kind of a twist put on this whole thing that is a reverse twist so to speak.

Now, Mr. President, the three key powers in the region—Pakistan, India, and China—have nuclear weapons programs. A fourth, the renegade terrorist state of Iran, will stop at nothing to acquire nuclear capability. All are striving to obtain modern delivery systems, such as ballistic missiles and aircraft. There also have been credible reports that Pakistan has received from Communist China M-11 ballistic missile technology. Without question, a nuclear war in South Asia would be cataclysmic. The names of the perpetrators, and their accessories, would be cursed for a millennium.

To its credit, Mr. President, the U.S. Senate consistently has taken initiatives to promote peace and stability in South Asia—the core of that leadership has been the Senate Foreign Relations Committee. In 1985, the committee—under the able leadership of the distinguished senior Senator from Indiana [Mr. LUGAR]—voted to adopt my amendment that allowed United States aid to Pakistan to continue as long as the President could certify that Pakistan was not in possession of a nuclear explosive device—the so-called Pressler amendment.

Why did the committee take this action? At that time, Pakistan was the third largest recipient of United States foreign assistance, receiving as much as $600 million annually. Pakistan and its people were instrumental in channeling American resources to Afghan rebels as they sought to repel Soviet invaders.

U.S. officials rightly were concerned, however, that the Government in Islamabad at that time was intent on developing a nuclear weapon—a course of action clearly not in our national interest.

I have recounted the events, but the purpose of the Pressler amendment was designed to send one message: Nuclear proliferation has a price. And if we are going to do what is in the Brown amendment, we are accepting nuclear proliferation.

Now, let me say, Mr. President, I think it is very strange that the Clinton administration, with all the things President Clinton and AL GORE have said about nonnuclear proliferation, that they would allow support for this amendment or they would give support for this amendment, because we are excusing nuclear proliferation, we are excusing a country that promised us, that made a deal with us, that they would not develop a bomb. We are giving them a carte blanche to go ahead.

In fact, a number of Senators believed enough evidence existed to verify Pakistan's drive for the bomb, and strong enforcement of United States laws that would result in an immediate cutoff of United States aid. The Pressler amendment was designed to avoid an immediate United States aid cutoff, but reinforce our Nation's policy that it would not condone—through United States taxpayer dollars—Pakistan's drive for the bomb. In addition, the Pressler amendment was designed to give Pakistan a financial incentive to ensure that its nuclear program served a peaceful purpose. In short, the Pressler amendment was designed to send one message: Nuclear proliferation has a price.

Mr. President, those were the key reasons why the U.S. Congress adopted the Pressler amendment 10 years ago. It was the right thing to do. President Ronald Reagan agreed. So did the Government of Pakistan at that time. Let me repeat that: the Government of Pakistan supported the Pressler amendment. It gave our Government its assurance that it was not pursuing a nuclear bomb program. By supporting the Pressler amendment. Pakistan agreed that if it acquired a nuclear explosive device, it deserved the penalty of a United States aid cutoff.

In 1990, President Bush could no longer certify, under the terms of the Pressler amendment, that Pakistan did not possess a nuclear explosive device. As a result, all United States economic and military aid to Pakistan was terminated. Further, a $1.4 billion commercial order of military equipment to Pakistan was put on hold.

Now, Mr. President, it is clear that Pakistan possesses nuclear weapons. It is also clear that Pakistan was pursuing a nuclear bomb program between 1985 and 1990, despite repeated public assurances that it was not. During that time, Pakistan received approximately $3.5 billion in United States foreign aid. Again, the Government received these funds from the American taxpayer in return for its assurance that it would not go nuclear. Yet, the reality was that the existing Government in Pakistan in fact produced nuclear explosive and used the American people's money to do it. That was an extraordinary act of deception.

That is the history behind the Pressler amendment. And to borrow the words of Abraham Lincoln, we cannot escape history. We cannot escape the fact that the United States subsidized Pakistan's nuclear weapons program for 5 years after the Pressler amendment became law. We cannot escape the fact that Pakistan repeatedly assured its ally, the United States, it was not pursuing a nuclear weapons program. Prime Minister Benazir Bhutto stood in this building—in the House Chamber—on June 7, 1989, and stated: "Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy." The opposite was true in each case.

Mr. President, we cannot escape history.

We also were given assurances by Pakistan's Government regarding the level of enrichment of its uranium, foreign nuclear procurement, cooperation with Communist China, and other related nonproliferation issues. In each case, the Government of Pakistan broke its word.

Thus, despite United States law, despite clear United States policy, and despite repeated assurances from its leaders, Pakistan built a nuclear weapons program and used American taxpayer dollars to do it.

Those are the facts. We cannot escape history.

Yet, we are here today to consider an amendment that ignores history. Even worse, if we adopt this amendment, we would be condemning ourselves to repeat history. Nothing in the Brown amendment would ensure that American taxpayer assistance would not further directly or indirectly Pakistan's bomb program. Do any of my colleagues believe we should reverse this long-standing United States policy? Should we risk once again subsidizing Pakistan's nuclear bomb program with the American people's tax dollars? Certainly not. That is the fundamental reason why this amendment should be defeated, because that is exactly what it would do.

So, Mr. President, what I am saying to you, in the past, American tax dollars directly or indirectly have been used to develop a nuclear bomb in Pakistan. The passage of this amendment will allow American taxpayers' dollars to be used in that regard again.

I urge my colleagues to consider the impact of unconditionally reversing a fundamental element of U.S. nuclear nonproliferation policy. I ask my colleagues to consider what signal this amendment would send to other nations who play by international nonproliferation rules. Frankly, it sends the worst possible message: nuclear proliferation pays.

Mr. President, some years ago I served as chairman of the Arms Control Subcommittee of the Foreign Relations Committee. We held numerous hearings, and we urged other nations to engage in nonproliferation policies. We have elaborate schemes and treaties. This amendment would leave a big hole and set a terrible precedent for

our nuclear nonproliferation efforts throughout the world.

Perhaps no issue is more critical to our national security—and the security of all people—than nuclear nonproliferation. I agree strongly with the Senator from Colorado that we must improve our relations with Pakistan. And I would like for us to be friends with Pakistan. I consider myself a friend of Pakistan. Very few would disagree. The question is: How? My concern here is that our nuclear nonproliferation policy will made a sacrificial lamb on the alter of better relations with Pakistan.

The Pressler amendment has achieved a number of successes in the area of nuclear nonproliferation. First, through never verified, Pakistan claims it has ceased developing weapons grade enriched uranium. Second, the threat of Pressler sanctions has deterred a number of states that pursued active nuclear weapons research programs in the 1980's, including Argentina, Brazil, South Korea, Taiwan, and South Africa.

Second, despite what's being said, nuclear nonproliferation does not discriminate against Pakistan.

Pakistan is not the only country that is identified by name for nonproliferation sanctions. For years a number of other countries have been designated for special controls and sanctions. China has been singled out for violations of ballistic missile sanctions. Yet, ironically, Pakistan is the only country to receive waivers of United States nonproliferation laws in order to receive United States aid. One eight occasions, Congress authorized special waivers of United States nonproliferation laws just for Pakistan. The Pressler amendment itself was effectively a waiver to prevent tougher enforcement of U.S. law. Yes, Congress has engaged in special discrimination, but it was discrimination in favor of Pakistan, and against all other countries that play by international nonproliferation rules.

In addition, Mr. President let me point out that our relationship with India is impacted by United States nonproliferation policy. Because of India's unsafeguarded nuclear program, there is no United States/Indian agreement for nuclear cooperation. United States military cooperation with India is merely consultative. The United States will not export certain forms of missile equipment and technology to India and any other goods that are related to weapons of mass destruction. It is true that United States sanctions have not been invoked against India, but that is because India has not violated its commitments under United States law. Mr. President, the bottom line is this: in 1985, the Government of Pakistan agreed with the United States government that future United States aid would be tied to its development of a nuclear explosive device. That was Pakistan's contract with America. Pakistan understood and accepted the potential price if it development the bomb. I believe my friend and colleague from Ohio, Senator GLENN, said it best in 1989 when he said: "There simply must be a cost to noncompliance—when a solemn nuclear pledge is violated, the solution does not lie in voiding the pledge."

The Brown amendment proposes that very solution. We are being asked to void a portion of this contract by allowing nonmilitary aid to resume unconditionally.

Second, we are being asked to set aside Pakistan's contract with America so that the administration can deliver without conditions nearly $400 million of United States military equipment previously purchased by Pakistan. This package—part of a larger $1.4 billion order that included 28 F-16's—includes P-3C Orion antisubmarine aircraft, Harpoon and Sidewinder missiles, and engines and parts for Pakistan's existing fleet of Cobras and F-16 aircraft, which are capable of carrying nuclear weapons.

Though it supported its 1985 contract with America, the Government of Pakistan now argues that we should either return the military equipment or pay back Pakistan. In short, we are being asked to honor our military contract with Pakistan. The reason why the equipment and the funds remain out of Pakistan's hands is because Pakistan was found in 1990 to have violated its 1985 contract with America. Pakistan knew that if the Pressler contract was violated, its military contract would be put on hold. I recognize that is a tough deal. Again, nuclear proliferation has a price.

However, I am willing to consider options to compensate Pakistan. In fact, I would not oppose using proceeds from a third party sale of any of the equipment to reimburse Pakistan. That is a fair approach.

To his credit, President Clinton took my suggestion to seek a third party sale of the 28 F-16 aircraft sought by Pakistan. I commend the President. It was a wise move for one simple reason: F-16's are capable of carrying a nuclear payload. It would be contrary to the spirit and letter of our Nation's nuclear nonproliferation policy for the United States to waive a nonproliferation law so that Pakistan could take possession of nuclear delivery vehicles.

That is one of the main reasons why I called for a third party sale of the F-16's last May. However, I also stated I would oppose the return of any military equipment to Pakistan that would serve to undermine our nuclear nonproliferation goals, and add to the current instability in the region. That is why I am opposed to the Brown amendment.

The military transfer called for in the Brown amendment is ill-advised for three key reasons:

First, it would spark a renewed arms race between Pakistan and India. As my colleagues know, P-3's serve a dual function—they are naval reconnaissance aircraft with offensive capabilities. The military aid package also includes torpedoes and missiles that can be launched from a P-3. The P-3's would give Pakistan greater naval surveillance and striking capabilities than the aircraft Pakistan currently uses, the French-made Atlantique.

In addition, as the Department of Defense admitted, the F-16 components in the military package represent a reliability upgrade of Pakistan's F-16 aircraft, which are capable of carrying nuclear weapons. Given our longstanding policy on nuclear nonproliferation, I do not understand why the Clinton administration would seek to improve Pakistan's nuclear delivery capability with United States-made equipment.

I recognize that the Senator from Colorado has gone to great lengths and made every conceivable effort to reassure his colleagues that this military package would not upset the strategic balance between India and Pakistan.

However, the Indian Government assessed this package on all levels—political, strategic, and diplomatic. It concluded it would have no choice but to engage in additional military procurement if this transfer goes through. Why should the United States risk a potential arms race in an already unstable South Asia?

Second, the military transfer could inadvertently improve the terrorist state of Iran's military capability in the region. According to news reports, Iran and Pakistan have been cooperation on nuclear weapons research for a decade. Also, Iran and Pakistan have been engaged in cooperative military efforts dating back as far as last year, when the two countries conducted joint naval maneuvers in the Arabian Sea. I was disturbed to learn that a new round of naval maneuvers is scheduled later this fall.

Given this sustained Pakistan-Iran cooperation, the P-3's take on added significance. The P-3's surveillance capability would cover the entire Arabian Sea and the entire Persian Gulf. The data from this extended surveillance—data on the movements of our own Navy in the region—surely would be of critical use to Iran as it seeks to extend the reach of its naval power.

Is there anything in the Brown amendment that would require a written assurance from Pakistan that the P-3's or any other United States made military equipment would not be used to benefit a terrorist country? No.

If that is the case, why would we inadvertently enhance Iran's military alliance with Pakistan to the detriment of our own naval forces, and our friends

and allies in the region? It makes no sense.

Finally, this transfer sends the worst possible message: nuclear proliferation pays.

In this case, a country that has gone into nuclear proliferation, after it agreed with us not to, is being rewarded, and we are supposed to have sanctions against countries that have entered into agreements and broken them. So we are rewarding nuclear proliferation in this very move.

The Clinton administration assured Congress that the United States would oppose any commercial military upgrades for Pakistan. This has been U.S. policy since 1990. Yet, the proposed transfer would break its assurance to Congress in the worst way—by upgrading Pakistan's nuclear delivery vehicles—its F-16's. This upgrade is not just a reversal of U.S. arms policy, it undermines the very principles of the Nuclear Nonproliferation Treaty. It defies logic that the Clinton administration would work so valiantly to ratify this treaty and then turn around and support a clear violation of that treaty's core principles.

Despite these very disturbing activities, the administration is intent on going ahead with the military transfer—one that does not achieve one credible United States policy initiative, while undermining three vital policies—regional stability in South Asia, containment of Iran, and worldwide nuclear nonproliferation.

Do we have alternatives? Yes. Last week, I called on President Clinton to expand this initiative one step further by pursuing the third party sale option on all the military equipment sought by Pakistan. And as I said with respect to the F-16's, if the administration and the Congress wish to use the proceeds from the third party sales to reimburse Pakistan, I would not object.

Mr. President, let me take a moment to discuss the provisions in the amendment that would repeal nonmilitary sanctions against Pakistan. My colleagues will recall that similar language was offered by my friend from Colorado during consideration of the Department of Defense authorization bill. These provisions, though seemingly well-intended, go too far.

First, this amendment specifically rewrites the Pressler amendment so that the sanctions apply only to military aid. This amounts to an unconditional repeal of nonmilitary sanctions against Pakistan. This is an extraordinary and far-reaching change that could have serious implications.

In fact, this amendment could be used to aid Pakistan's nuclear bomb program. All of us know that scores of nonmilitary items can serve military purposes. Pakistan knows that all to well. Let me provide one specific example: A story in the McGraw-Hill newsletter NuclearFuel, detailed how Pakistan intended to violate a joint venture with Siemens AG by using telecommunications equipment as part of a project to enhance uranium into bomb grade material. I ask unanimous consent that this story be printed in the RECORD.

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

[From Nuclear Fuel, Aug. 28, 1995]

SIEMENS VENTURE BELIEVED USED IN PAKISTAN CENTRIFUGE QUEST

(By Mark Hibbs)

Departing from company procurement rules, Pakistan in 1991 used a national telecommunications joint venture with Siemens AG to try to obtain equipment in Germany that export control officials suspect had been sought instead for gas centrifuge rotor assemblies used to enrich uranium.

Intelligence sources said that the case is apparently similar to others in which it is believed Pakistan used legitimate businesses to disguise nuclear procurement. Sources said that in the U.S., Pakistan hid nuclear procurement by giving as the end use a bona fide Pakistan-U.S. program to supply equipment to maintain Pakistan's fleet of F-16 aircraft.

At issue in the German case are specialized ring magnets that Western officials say Pakistan has repeatedly sought from firms in Germany, Britain, and elsewhere in Europe since the mid-1980s for its clandestine uranium enrichment program.

The top magnetic suspension bearing of gas centrifuges built by Pakistan at its Kahuta enrichment plant features a pair of ring magnets. The upper magnet is suspended in a housing containing oil that is resistant to the highly corrosive uranium hexafluoride (UF6) gas fed through centrifuges. The other magnet is fitted to the top end cap of the rotor assembly.

According to Western officials, the Pakistan Embassy in Bonn, on behalf of Telephone Industries of Pakistan (PVT) Ltd., in early 1991 sought ring magnets from the firm Magnetfabrik Bonn (MFB) GmbH. But German experts suspected that the technical specifications given for the magnets did not match the non-nuclear end use cited by the Pakistan firm, and MFB blocked the transfer of the magnets after discussing the matter with German export control authorities. The export had initially been approved by Germany.

Telephone Industries of Pakistan is a joint venture between Siemens and Pakistan's national post, telephone, and telegraph (PTT) organization, and is located in Haripur, Pakistan. Siemens controls 30.02% of the venture. The government-owned Pakistan PTT owns 69.98%.

According to Reiner Schoenrueck, a Siemens spokesman, the Pakistan joint venture makes equipment, including telephones, for digital communications systems. Queried by NuclearFuel, he reported that Telephone Industries is authorized to independently purchase equipment locally in Pakistan. "But any equipment which Telephone Industries wants in Germany must be obtained through Siemens itself," Schoenrueck said, not by the Pakistan government or by officials at the venture's office in Haripur.

NuclearFuel has learned that regardless of these procurement guidelines, Telephone Industries of Pakistan recently renewed independent efforts to order magnet parts in Germany. Current attempts are said to involve items having different specifications than magnets ordered on its behalf in 1991. Sources said the Pakistan firm has given non-nuclear engineering end uses, such as motors and power equipment, for items it now seeks.

In March 1991, Azmat Ullah, an official at the Pakistani Embassy in Bonn, first made contact with MFB on behalf of Telephone Industries of Pakistan to obtain so-called aluminum-nickel-cobalt (Alnico)-260 S-ring magnets. Officials said that, after Pakistan provided a non-critical end use for the magnets, an export permit was awarded by Germany.

However, sources said that in late 1991, after the permit was awarded but before the magnets were exported, the manufacturer became aware of the potential use of ring magnets containing cobalt in gas ultracentrifuges. The company then contacted the Federal Economics Office, now the Federal Export Control Office (BAFA) in Eschborn, responsible for export controls, and the export authorization to Pakistan was rescinded.

Section 0201/2.D of Germany's commodity control list, valid in 1991 when the export was approved, required express authorization for complete magnet assemblies only: "Liquid-damped magnetic bearings, made of ring magnets, which are mounted in a housing containing a damping medium. The magnet is mounted on a rotor end cap pole piece or coupled to a second magnet." According to a spokesman at BAFA, the export to Pakistan of magnets not conforming precisely to these specifications would have been approved provided no "knowledge" was available that the equipment would be used in weapons of mass-destruction or that the peaceful end use was "implausible."

Western officials said the parts MFB was to make for Pakistan did not fall within 0201/2.D so the export was initially approved. Officials said, however, that the German firm later doubted the peaceful end use given by Pakistan after Pakistan specified that the magnets must feature unusually fine machining tolerances and a capability to withstand exceedingly high rotating speeds.

Pakistan had first indicated that Telephone Industries sought magnets sized at 52 millimeters in diameter and 8 mm in height, with a ring thickness of 36 mm. It later specified a precise diameter of 52.8 mm and a thickness of 36.8 mm and defined fine tolerance requirements in the range of a few hundredths of millimeters.

Azmat Ullah, the Pakistan government employee who sought the ring magnets for Telephone Industries of Pakistan, was listed in the official German register of foreign diplomats for 1991 and 1992 as an attache in the commercial section of the Pakistan Embassy. He left Germany in 1993. According to diplomatic sources, the Pakistani attache had been involved in previous attempts to obtain material in Germany for Pakistan's centrifuge program before he sought the ring magnets. Sources said that in 1985, for example, Ullah had been responsible at the embassy for ordering centrifuge-grade maraging steel produced by Arbed Saarstahl, a German specialty steel producer. The steel is believed to have been intended for making centrifuge rotor tubes for Kahuta.

In early 1992, after the planned magnet export to Pakistan was stopped, MFB alerted other German magnet-producing firms, including subsidiaries of Krupp AG and Thyssen AG, about the intended transaction. In addition to stopping the export from MFB to Pakistan by withdrawing the permit,

BAFA also blocked transfer of the ring magnets to Pakistan from all other German firms.

NO CRITICAL MAGNET DEAL WITH IRAN

Contrary to previous non-official reports asserting that German firms contributed recently to an Iranian program to develop gas centrifuges, MFB, which was solicited without success by Pakistan to obtain ring magnets, never supplied any critical magnets or magnetic equipment to Iran, company officials said.

According to customs intelligence documents obtained by NuclearFuel, the Sharif University of Technology in Tehran has tried to obtain nuclear-related equipment from firms in Germany and elsewhere in Europe, including equipment meant to be used for a centrifuge development program (NF, 28 March '93, 10). On the basis of this information, BAFA will not award export permits for any equipment destined for end use at Sharif University. But the Zollkriminalamt (ZKA), Germany's customs investigative agency, denies that any German firms have exported equipment to Iran's nuclear program over the last 10 years (NF, 10 April '94, 5).

Herbert Krosney, author of the book "Deadly Business," claimed that Sharif University approached MFB for Alnico centrifuge magnets and that the German firm "received a substantive order from Iran."

MFB said this month that the statement is false. It asserted that the company never agreed to transact any Alnico centrifuge magnet business with Iran and that MFB was never contacted by Sharif University for any business. Since 1993, MFB has sold some ferritic magnets to Iran. They were not, BAFA ruled, useful for uranium enrichment.

In the wake of information it obtained alleging that MFB had been involved in violations of export rules, Western intelligence sources said, the Oberfinanzdirektion in Cologne, a customs investigation arm of the Federal Ministry of Finance, searched the MFB premises in 1990, one year before Pakistan attempted to obtain ring magnets from the Bonn company.

According to a statement that company management provided to employees, however, no violations were found and the firm's conduct was judged "exemplary."

Mr. PRESSLER. Mr. President, this is just one example. The fact is Pakistan built its current bomb program in part from seemingly nonmilitary transactions. Further, in February 1993, then-CIA Director James Woolsey described for the Senate Committee on Governmental Affairs how untied and seemingly nonmilitary loans and grants could further Pakistan's nuclear program.

Does the Brown amendment require Pakistan to make written and verifiable assurances that seemingly nonmilitary aid will not aid directly or indirectly its bomb program? No.

Again, Mr. President, we cannot escape history. We once before inadvertently aided Pakistan's bomb program. Now, with this open-ended, unconditional repeal of a portion of the Pressler amendment, we are setting ourselves up to make the same mistake yet again. Why would we once again put American taxpayers in the position of aiding Pakistan's bomb program?

Further, let me correct for the record a serious misperception of the Pressler amendment. Some have argued that we need this amendment so that we can provide vital civic and humanitarian assistance to Pakistan. We already can provide that assistance. Current law permits United States aid to Pakistan through nongovernmental organizations in a wide range of areas, including agriculture and rural development, nutrition, human rights, endangered species, and illicit narcotics prevention. Pakistan also continues to receive annually hundreds of millions of dollars in development assistance via multilateral lending agencies to which the United States is a major contributor. The Brown amendment goes beyond even a limited approach, and again would do so without requiring a single nuclear concession from Pakistan.

Mr. President, I strongly respect and admire my friend from Colorado. He sincerely is interested in trying to find ways to improve our relations with Pakistan and improve the conditions for the entire Indian subcontinent. I commend him for proposing a U.S.-led multilateral summit designed to reduce the presence of nuclear weapons in South Asia. I would support such a summit. It represents a more constructive first-step toward what I hope is the elimination of the nuclear threat from South Asia.

But, in this case, we are not moving toward nonproliferation with this particular amendment. We cannot escape history, and I have outlines that history of the Pressler amendment, of which there is much misunderstanding.

Beyond that, my friend from Colorado and I disagree on how best to approach the vexing problems in South Asia. We also need to keep in mind the question of United States—India relations. For more than 40 years, our relations with the world's most populous democracy were difficult, dictated largely by cold war conventional wisdom. Since 1991, our relations have improved markedly. India's economy is undergoing a remarkable transformation, fueled by a nearly five-fold increase in foreign investments from 1990 to 1994. More than one-third of those investments were from American firms. It is my hope that Pakistan can enjoy similar progress in the near future. Economic growth for both countries is the key to long-term regional stability.

One of the lessons of our improved relationship with India is that our actions have a clear impact on Indian public opinion. That certainly is the case in Pakistan as well. Given this impact, I believe that we must pursue our policies in South Asia with great care and great caution. We must ensure that we do not unnecessarily return to the previous, unproductive levels of our relationship. We also must ensure that we do not unnecessarily fuel the already strong tensions that exist in the region.

In conclusion, Mr. President, I must repeat yet again, we cannot escape history—both the history behind us and before us. The history we make today not only will determine the history of tomorrow, but will determine how well we comprehended the hard lessons of history. The Brown amendment is a grim reminder to all of us that those who try to escape history are condemned to relive it. I cannot allow that to happen. We must not ask the American taxpayer to subsidize a bomb program we cannot condone. Nor do we need ask the American taxpayer to subsidize an arms race in South Asia, or the military ambitions of a terrorist state.

Last year, the President states that no single foreign policy issue was more important than nuclear nonproliferation. If that is the case, there is no justifiable reason why Pakistan once again must be exempt from Federal nonproliferation laws or the nonproliferation policies we impose on all other signatories of the Nuclear Nonproliferation Treaty.

Let us give Pakistan some concrete incentives to honor its word.

Let us not reward proliferation.

Since we cannot escape history, let us learn constructively from it.

I urge the defeat of the Brown amendment. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

ACTION ON AMENDMENT NO. 2721 VITIATED

Mr. BROWN. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 2721. It is my understanding this has been cleared on both sides.

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

AMENDMENT NO. 2708

Mr. BROWN. Mr. President, I yield myself 5 minutes.

The PRESIDENT OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. Brown. Mr. President, the distinguished Senator from South Dakota has raised a number of important points. I will not try to deal with all of them right now, but I do think it is important to respond.

First, let me commend the Senator for his leadership in this area. While we disagree on the particular resolutions of these contract items that have been in dispute for a number of years, I think his efforts toward nonproliferation and his sincerity and hard work in the area are to be commended and reflect great credit on the American psyche in dealing with foreign policy.

Mr. President, there are a couple of things that I think are important to look at, though, that I hope Members will consider.

First of all, statements were made that the amendment is unconditioned and open-ended repeal. Mr. President, I think he was referring to parts of it. But I sincerely believe that is not a fair description of what is anticipated here.

First of all, let me emphasize what the amendment does not do. It does not, in any way, repeal the restriction on military aid or military sales to Pakistan. There are a couple of areas that are clarified, though, and let me be specific about that. The bars and restrictions on aid and sales stay in place. We do a couple of things here. One, we make it clear that parts that had been sent—military parts—to the United States for repair and had never been repaired were to be shipped back to them. These are used parts that were not functioning. I suppose we can insist on keeping those used parts here, but it seemed like that should be sent back. I do not think that is an open-ended repeal. That is a disposition of parts that have been around for a long time and they are sent back unrepaired.

Second, we deal with contracts that are 8 and 9 years old that have been paid for. We allow three-fourths of them—or almost three-fourths of them—to have their money back and not get delivery of the planes. Those are the things that all of the people in the area have looked at and say are the most inflammatory—that is, the F-16. We allow delivery of $368 million of military equipment. Those are on contracts that were executed before the 1990 action under the Pressler amendment.

Mr. President, what this issue is all about is simply and solely saying you are either going to get your money back, or you are going to get the parts back, or you are going to get the things you contracted for. It is simple fairness. We signed a contract to sell military equipment. We have not delivered on it. We have taken their money, and we have refused both to give them their money back and/or deliver on our contract.

All we are trying to do with this is make it clear that we ought to either give them their money back or give them what they contracted for. The compromise, I suppose, somebody could criticize. This was worked out by the President. I do not think the President or the administration claims it is perfect, nor do I.

Mr. President, I do know that the planes amount to almost three-fourths of the entire package. The planes are the things that almost every critic I know of says is the most inflammatory and significant part of the package, and the planes are not delivered. The other parts of the package—and we already quoted from experts that indicate that these are not significant in terms of the military balance of the area. We have already pointed out that India enjoys a two-to-one advantage.

Mr. President, there is another item that I think ought to be at least quoted at this point. The suggestion was that we are already in the process of delivering aid to Pakistan and that it is not necessary to have this amendment. The suggestion was that NGO's are authorized under aid to Pakistan. Indeed, we have NGO's allowed to conduct activity in Pakistan right now. It is on temporary authority, and that authority is on a 1-year waiver and that waiver is not renewed and it runs out. So as far as NGO's being able to operate in the country and deliver aid, which they have talked about, the point is that the facts are exactly the opposite of what was said on the floor. The NGO's are not going to be able to do that. We need this legislation to be able to involve ourselves with Pakistan, and this is to our benefit. I have yet to hear anyone say that cooperating with the Pakistanis in the suppression of the narcotics trade is not to our benefit. It clearly is in our benefit. Cooperating with the Pakistanis in this is in our benefit. So both of those points do not hit the mark.

Let me put a few things in the RECORD, and I will try and do it briefly. I want to quote the Assistant Secretary of State, who responded to the committee's questions.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BROWN. I yield myself 5 additional minutes.

This is what our Assistant Secretary of State said when asked about the Pakistan question, and particularly why we have been involved in assistance to Pakistan. That was certainly raised by the Senator. I will have more to say about this later. But I want to quote the Assistant Secretary of State on that question of why we aided Pakistan:

> Pakistan undertook substantial risks as our partner in an effort to stand up to the Soviet aggression in Afghanistan during the 1980's. Intrusions into Pakistan airspace by Soviet war planes were common. On several occasions, Soviet military aircraft actually bombed Pakistani facilities along the border in retaliation for Pakistan's assistance to the mujaheddin. I might say it was assistance to us in helping to liberate Afghanistan.

She continues:

> Pakistan was also a target of Scud missiles. During the period, the Soviets also initiated numerous covert actions against the government of Pakistan, including actions aimed at destroying caches of munitions and arms in Pakistan.

Mr. President, this is what Pakistan put on the line. They risked their very existence, they risked military attacks from one of the strongest military powers in the world, the Soviet Union. They did it at our request.

She continues:

> During the Soviet occupation, 5 million Afghan refugees flooded into Pakistan. With the help of the international community, Pakistan provided food and shelter for the refugees. Many remain in Pakistan because of the unsafe conditions in Afghanistan.

To suggest that our aid had nothing to do with the 5 million refugees that came in, I believe, ignores the facts.

She continues:

> Finally, there were widespread fears that the Soviet Union did not intend to stop its expansion into the Afghan border with Pakistan. Many in Pakistan believe that an accommodation with the Soviets was called for and the government was under pressure to follow such a course.

Mr. President, imagine what would happen if the Government of Pakistan—which has been so maligned in the discussions on this issue in this Chamber—would have acceded to people in their country to make an accommodation with the Soviet Union. It is not just the Afghans that would not have an opportunity for freedom today, it is a great many more people in the world.

Mr. President, she concluded her response to that question by this statement:

> The primary purpose of U.S. military and economic assistance to Pakistan during this period was to help Pakistan manage these risks and burdens.

Mr. President, the suggestion that the reason Pakistan got military aid and assistance during this period was solely to stop the development of nuclear weapons I do not believe is accurate. It certainly does not square with this. I do think it is accurate, as Members pointed out, that that was an interest of the United States at the time, that it was hoped that would be a reaction of the Pakistanis. But to say that is the reason for their aid, I do not think that squares with the history and with the statement of the Assistant Secretary of State.

Mr. President, I yield the floor and retain the remainder of my time.

Mr. GLENN. Mr. President, I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank my friend from Ohio. Were it not for the fact that I have made a commitment to go to an affair elsewhere in the Capital City, I would stay and become involved in this debate. I am going to be very brief because others here will go into the matter in more detail.

I simply say, Mr. President, that while a case can be made that we need improved relations with Pakistan, from the information that I have, the proliferation arrangement and laws of the United States of America have been violated by arrangement, among others, of shipments of materiel from China to Pakistan. I simply say that while we can make excuses, and while we can say that we need the cooperation of Pakistan with regard to drugs and terrorism, which I agree with, the

fact of the matter is that the laws of the United States have been violated.

An official of the Clinton administration called me and asked me to support the Brown amendment. I asked that individual was it not true that the laws had been violated, but the administration, working with the majority in the U.S. Senate, are simply going to wink at that and say, it is OK. It is OK. We are going to make this exception to make them happy.

It seems to me we are setting a precedent here. I do not believe my voice or the voice of others is going to change the vote, but as well intentioned as the amendment offered by the Senator from Colorado is, it is a mistake. It is a mistake entered into by the Clinton administration. They are wrong, in my opinion. I state that as clearly as I can.

What they are doing in this particular case, Mr. President, is simply to offer an alibi to try to soothe the Government of Pakistan.

If our laws with regard to proliferation are going to mean anything, then we have to recognize that both Pakistan and China should be subject to the laws that we enacted in the Congress of the United States and cannot be winked at.

I object to the fact that the Clinton administration is winking, going back on the laws that we have in our land. I think that is a mistake, Mr. President.

I suspect that the Senate is going to make a mistake because I do not think 5 hours of debate after most people have gone home is going to change any minds.

I simply back the position of Senator GLENN and Senator LEVIN, both associates of mine from long standing on the Armed Services Committee. I hope that the Senate will come to its senses and do an about face on the earlier vote that we had in the Senate on this matter today.

I thank my friend from Ohio. I thank my friend from Michigan. I thank my friend, Senator FEINSTEIN, from California, who I understand is going to speak on this. I thank my friend, LARRY PRESSLER of South Dakota, who was author, I believe, of the law that we have in place.

I simply say, Mr. President, this is a mistake. I hope the U.S. Senate will reverse course, recognize it is a mistake, notwithstanding the pressure that has been brought to bear by the Clinton administration to not change the vote.

Mr. BROWN. Will my good friend from Nebraska yield for a question?

Mr. EXON. I am happy to yield to the Senator.

Mr. BROWN. I know the Senator has had a number of people talk to him, and I did not know if the Senator was aware of subsection 8 where we specifically state, "Nothing contained herein shall affect sanctions for the transfers of missile equipment or technology required under section 11(B), the Export Administration Act of 1979, or section 73 of the Arms Control Act."

In effect, Mr. President, what we do is specifically make it clear that the ballistic missile sanctions are in no way affected by this.

Mr. EXON. I say to my friend from Colorado that I think if we get into those kinds of details, we may cloud the central purpose. The central purpose of my opposition to this, notwithstanding the strong feeling about my friend and associate from the neighboring State of Colorado, is that we are violating both the intent and the principles of the law that we have in effect with regard to proliferation. Therefore, this Senator feels it is a mistake.

Mr. BROWN. Mr. President, I yield myself 3 minutes.

Mr. President, I know we want to hear from other speakers, but I did want to respond to a very important point that I think the distinguished senior Senator from Nebraska made.

He is concerned about the potential impact of missile sanctions. Mr. President, I am concerned about that as well.

We have added to this amendment exact and specific language that makes it very clear that nothing in this amendment in any way interferes with the sanctions, should they ever take place.

Members should rest assured that I am very conscious of that, and we have provided specific legislative language to make it quite clear that this in no way waives any sanctions with regard to violations of missile agreements for U.S. legislation.

That point has been raised. The fact is, at least in my view, it is invalid because we specifically made it clear that this in no way interferes with that. Indeed, if they have violated it, they will be sanctioned, and they should be sanctioned.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement from our Secretary of State.

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

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER, ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION

QUESTION: Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

Secretary CHRISTOPHER: As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. BROWN. The question was asked, will the Clinton administration order additional sanctions against China for supplying missile technology to Pakistan or Iran?

Secretary Christopher said, "As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and closely."

Here is what he says: "At the present time, although there is a fairly large body of evidence, we do not think there is evidence there that would justify the imposition of sanctions."

Mr. President, the point is this: The sanctions are for any violation of a missile treaty or missile technology restrictions in U.S. laws. In no way does this amendment interfere with those sanctions whatever. As a matter of fact, the review of the administration in this area has been clear and significant and, if sanctions are justified, they will take place.

I reserve the remainder of my time.

Mr. GLENN. I yield 15 minutes to the Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I thank the Senator from Ohio.

Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Colorado. As the ranking member of the Near Eastern and South Asian Affairs Subcommittee of the Foreign Relations Committee, I have worked closely with Senator BROWN, the chairman of this subcommittee, to try to work toward a more productive United States policy in South Asia.

I respect him and I respect what he is trying to do. However, while there are some issues on which we are in agreement, there are many on which we differ.

Let me first say that I echo the statement of the Senator from Nebraska by saying that I believe the administration is wrong.

I have heard two major reasons put forward as to why we should put this $368 million of military equipment in Pakistan's hands now. The first is, they paid for it, it is the honorable thing to do.

I agree. I will introduce an amendment which will carry with it Sense of Congress language which will say that the President is asked to try to sell the F-16's and return as much of the equity payment made by Pakistan back to Pakistan as possible. I believe that is the honorable thing to do.

The second thing I have heard is that we have to buttress the Bhutto regime. This is what gives me the deepest trouble.

If there is anybody that believes that one stabilizes or buttresses a regime which suffers from instability, in an area where there is a tinderbox of hostilities between two countries, and

where both countries have the ability in a matter of days to have a nuclear capacity utilized—I think that is the wrong idea. I could not go to sleep at night knowing this equipment went, and that I voted for it, at absolutely the wrong time. I will explain in my remarks why I believe it is the wrong time.

Sanctions were invoked against Pakistan in 1990 because President Bush could not certify that Pakistan did not possess a nuclear explosive device.

Nothing has changed since that time. To this day, neither President Bush nor President Clinton has been able to make that certification. And today President Clinton cannot make that certification.

So, despite its remonstrances to the contrary, Pakistan to this day continues to develop its nuclear weapons program and has technology imported from abroad. And I believe even today Pakistan is engaged in developing an indigenous capability to produce nuclear weapons—not to have to get the technology from abroad, but to do it right at home.

As late as a couple of months ago, the Prime Minister of Pakistan denied that. That is a problem for me. That is a problem for me, to vote for something which I know will be used for one purpose and one purpose only, and that is probably to attack a neighbor, when I am told an untruth. As Senator GLENN, I believe, will outline, these same statements have been made year after year for the past decade.

So, under these circumstances, I believe it is wholly inappropriate for the United States to release to Pakistan this military equipment. For us to take this step, Pakistan should make vast improvements in the area of nonproliferation.

I believe that Pakistan has acquired M-11 missiles in violation of the MTCR. Pakistan is subject to MTCR sanctions. We have alleged that China sold these missiles to Pakistan. China is not a signatory to the MTCR. Recently, as a product of negotiations with our State Department, China has agreed to abide by the MTCR. But Pakistan knows better. They are subject to MTCR rules, and every M-11 has inherent nuclear capability. Let there be no doubt about that. So, if one looks at both India and Pakistan, to add weapons at this time is a big mistake.

Let me tell you what the Indian Ambassador has told me. What he has told me is that he believes that the 28 Harpoon missiles which are part of this package, would give Pakistan a standoff capability to which India has no immediate response.

What does this mean? If we do this now, India is a few months before an election. It simply fuels the fires within the Indian political structure and perhaps prompts them to deploy a missile known as the Prithvi, which they have, in response to this. That is a scenario that I find inescapable in the transfer of these weapons.

We can cloak this in any terms we want. But if we know and honestly believe that this might be the result of the delivery of these weapons, why are we doing it? How can we sleep and do it? The P-3C aircraft can launch a Harpoon. The Harpoon also has a surface-to-surface capability. The Indians believe the P-3C can carry the Harpoon from Karachi to Sri Lanka, so it has the distance.

There are certain aspects of the Brown amendment that I support. I certainly share the view that it is desirable for there to be an improvement in the United States-Pakistani relationship. Pakistan is strategically located, has a significant population, it is a good friend in the Moslem world, it is an emerging democracy in a part of the world where we would like to see more democracy.

As has been said, Pakistan has cooperated with the United States in a variety of ways. It is the second largest contributor of troops to U.N. peacekeeping operations. I think that is a big deal. Pakistan has been prepared to put its troops on the line to keep peace in the world, and I, for one, appreciate that.

It has assisted in our antinarcotics efforts, and it has been helpful to U.S. antiterrorism efforts. And it is helpful right now in a very terrible and tragic situation in Kashmir, where one American is still being held hostage.

There is certainly room for more cooperation and the kinds of nonmilitary assistance which would be allowed to resume under this proposal—antiterrorism assistance, antinarcotics assistance, immigration control training, environmental and population assistance, civil aviation cooperation—would not only build even greater cooperation, but they would directly benefit the effort and interests of the United States in a range of areas.

Part of the amendment I will offer will do just that: Take the nonmilitary part of Senator BROWN's amendment and allow it to go ahead. It is my understanding that these types of assistance were never envisioned to be cut off at the time that the Pressler amendment was adopted, so I see no harm and much good that could come by restoring these types of assistance programs to Pakistan.

I was pleased to cosponsor an amendment with the Senator from Colorado in the Foreign Relations Committee to allow this assistance. However, I think we need to tread much more carefully when it comes to military assistance. Returning Pakistan's broken spare parts is, I think, a reasonable gesture of good will—no problem with that. Allowing Pakistan to resume its participation in the IMET military training course will help rebuild the ties between the United States and the Pakistani military, which is important for strategic cooperation. But allowing the transfer of the package of equipment allowed by this amendment is another story.

The Pressler amendment sanctions took effect because our Government in effect knew that Pakistan was not abiding by earlier agreements made with our Government, and commitments made to United States Senators on this floor at that time, in the 1980's. They asked for aid contingent on them not pursuing nuclear weapons, and then they turned around and did just what they said they would not do.

Pakistan needs to make progress reversing that problem, and I believe we would send a dubious message by renewing our supply line to the Pakistani military. As I mentioned, the package transferred under this proposal would include P-3C surveillance aircraft, capable of providing submarine deterrence, which is a major concern to India; the Harpoon missiles; the TOW missile launchers; the spare parts for F-16's; and other sophisticated equipment.

It is not a significant enough package to substantially alter the military balance in South Asia, but it is a change in the military balance of South Asia. Do we want to change the military balance of South Asia shortly before a hotly contested election in India, when we know major candidates running in that race will be forced to respond? They will be forced to respond, and one of the things that has been a goal of American foreign policy is to prevent the deployment of the Prithvi missile. Instead, we are providing the excuse for the deployment of the Prithvi missile, and therefore further escalating and heightening tensions between the two countries.

And there is major tension. There is no subject as sensitive, as difficult, on which the sides are more implacable than the Kashmir problem. You have seen the worst results of that tension in terms of the taking of the hostages, the cutting off of the head of one of them, and the rolling of the head down the street. If that does not demonstrate what feelings are, I do not know what will.

So, I know the Clinton administration does not want to prop up unstable regimes, does not want to put equipment in the middle of a tinderbox, but that is exactly what this does, and there is no way to say it does not. It does.

Anyone who has had the security briefing I think better understands the problem.

So I cannot support a resumption of these arms transfers. The greatest threat of nuclear war on the planet today, I believe, rests in South Asia and rests between India and Pakistan.

India has contributed to this tension just as much as Pakistan has. But it is there. It is real. It is palpable and it is fueled by a dramatic ongoing debate which one country views as a major assault on its territorial sovereignty. What else does one need as a precipitant to a conflagration?

So I urge my colleagues to look carefully at this resolution, to look carefully at the list of equipment, at the rockets, at the missiles, at the parts that are being sent in this $368 million transfer. I hope that the Brown amendment might be defeated and that we would have an opportunity to put forward an amendment which would carry forth the economic and the humanitarian, the antinarcotics and antiterrorism portions of Senator BROWN's very well-meaning amendment.

I thank the Chair. I yield my time.

Mr. BROWN. Mr. President, I yield myself 5 minutes.

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

Mr. BROWN. Mr. President, first of all, I want to say what a great pleasure it has been to work with the distinguished Senator from California. She is bright and thoughtful and she has been very energetic in applying herself to not only the committee work but this particular problem. I have found her to be very thorough and very sincere in the kind of approach she has taken, I might say also very constructive. And I appreciate the fact that she will offer an alternative to Members of the Senate to review that will give them some choices on this issue.

I must say as a Member I have found it a bit difficult to discuss the issue in trying to develop legislation, which I think is our job as legislators, with some Members who simply want to preclude the issue from being reviewed or discussed or legislated on and view the right way to do it is with a filibuster. I believe reasonable men and women can come to a reasonable solution that is best for our country, and so I welcome her initiatives and I commend her on a very thoughtful approach to it.

Mr. President, I might say my approach all along has been to say, look, what is central here is for the United States to be true to itself. It is not in character for us to take someone's money for a contract and then refuse to return their money or refuse to deliver on that contract. What we need to do is either give them their money back or give them their equipment that they contracted for but not keep both. That I think is simple basic fairness that most Americans would agree with. I believe the Senator from California shares that view. She does have a different view than I in terms of the package, limited package of military equipment that my amendment would deliver.

Mr. President, I will simply add one other comment at this point. It is something of a technical background for Members. I note the distinguished Senator from Ohio is here and he has been a leader in the Senate, and in the world I might say, in terms of nonproliferation.

The MTCR, the Missile Technology Control Regime, has 25 countries—at least that is the latest CRS report—that indicate they are not so much signers but partners, in the parlance of the CRS, and these partners in addition have contacted other countries that do include China, that have agreed to abide by their guidelines. Pakistan is not a partner in MTCR, and they are not listed by the CRS among the countries that have agreed to observe it.

I believe the MTCR is a very important item here for Members to consider. We have statutes that are designed to control this technology. The suggestion has been made by some Members, for whom I have a great deal of respect, there may have been a violation of this statute with regard to China and Pakistan. If that is true, there will be severe sanctions. It is very important to know that the amendment which is before the Senate in no way waives those sanctions. As a matter of fact, it has a separate specific section that makes it crystal clear that nothing in this legislation waives those sanctions.

So should you be concerned about MTCR? Absolutely. But does this amendment in any way interfere with MTCR? Absolutely not. In fact, it does the opposite. It makes it crystal clear if there are sanctions there they have the responsibility to go ahead with them as provided by our law.

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

Mr. GLENN. Mr. President, I yield 15 minutes to the Senator from Michigan.

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

Mr. LEVIN. I thank the Chair, and I thank my friend from Ohio. And also let me commend the Senator from Ohio for the decades of work he has put in in the fight against the proliferation both of nuclear weapons, weapons of mass destruction, and means of delivery of those weapons. It is the missiles particularly which we are talking about today, but there are also weapons themselves which are involved in this debate, and nobody has worked harder than the Senator from Ohio to try to address the proliferation concerns which are the emerging threats to this world. The cold war may be over, but the world is a more dangerous place in many ways now than it was before. The reason it is more dangerous in many ways is because of the threat of nuclear weapons, weapons of mass destruction and means of their delivery, the proliferation threat which we face.

The issue is whether we are going to be serious about them. That is really what the Senate is going to decide tomorrow, whether or not we are going to be serious about a proliferation issue which is so clear that I would urge our colleagues to go up to the fourth floor, as about 10 of us have, and review the materials. They are there. The charts are there. They will be there in the morning. Some of us have had this briefing now three times. We can hide our head in the sand and we can say, well, gee, maybe there is not a violation of the Missile Technology Control Regime, which is supposed to be enforced by our export control laws, but I think it is pretty difficult to do that after the briefings that we have received.

Now, that is my conclusion. Maybe others can reach different conclusions. It is difficult for me to see how any of us can reach a different conclusion, but it is more difficult for me to see how we would not at least go up to the fourth floor and expose ourselves to those materials which are there very clearly for each Member of this Senate to see and consider.

If there is no more serious issue than proliferation—and I do not know of too many issues that are more serious—surely it is worth a visit to the fourth floor to review the intelligence reports on the question of whether or not China has delivered, transferred to Pakistan missiles or missile components which exceed the limits which are provided for in the Missile Technology Control Regime.

Now, our good friend from Colorado has given a bunch of reasons that we should proceed with the sale of this equipment to Pakistan. Pakistan is an ally; that is true. Pakistan has supported common goals in Afghanistan; that is true. Of course, it was in their own self-interest to pursue those goals, but nonetheless they were common goals and she pursued them. Pakistan, indeed, supports multinational peace enforcement. So do we.

I hope it is in her self-interest to do that. But the fact that we have a common interest in that is given as a reason for why we should proceed with the sale of this nature.

I think the other point that the Senator from Colorado makes, which is one I share, which is that it is not in our character to take folks' money and then not deliver the product, I must say in this regard I think that the Senator from Colorado is correct, that if equity requires that we not allow that money to be kept at the same time that the delivery has not been made, then true to ourselves, whatever portion of that money equity requires be returned to Pakistan should be returned to Pakistan.

But that is not the issue here tonight either. The Senator from California is going to be introducing an amendment

tomorrow which will take us down that path which is the path of being true to ourselves and our laws on exports at the same time living up to a moral obligation to be true to ourselves to not take money from folks and not deliver the product.

Now, I believe that the Senator from California's amendment tomorrow is going to be worded in such a way that whatever funds equity requires be returned to Pakistan, or words to that effect, should be returned to Pakistan. And I would be supporting that amendment because that is the way we can be true to ourselves in all regard.

We can make sure that we enforce our laws against proliferation at the same time we do not take money which does not belong to us and keep money which does not belong to us. But we can do both.

The issue in this amendment tonight that we are debating, the Brown amendment, is whether or not we are going to ignore our law relative to the proliferation of missiles by authorizing the shipment of military equipment which, if Pakistan received missiles that exceed the limits in the missile technology control regime, could not be properly sent to Pakistan.

Now, our law is clear. It is the Arms Export Control Act. The law says that sanctions will be applied to those who export, transfer or trade in certain areas. And then they refer to the missile technology control regime annex. And that missile technology control regime is very specific, that if missiles or components of technology have a range of more than 300 kilometers and a payload of more than 500 kilograms, then that is violative of the missile technology control regime and then people who export, transfer or trade that type of missile or components for those missiles or technologies for those missiles will be subject the sanctions. It does not say "may be subject to sanctions," by the way. It says the President "shall impose sanctions" in that event.

Now, that leaves it up to each of us to reach our own conclusion as to whether or not missiles have been transferred to Pakistan which exceed those limits. If so, our law does not permit the transfer of the equipment which would be allowed under the Brown amendment. Our law just simply does not permit that.

Now, maybe individuals can conclude that the evidence is not clear on this issue, that Pakistan has received missiles of this range and payload. And if an individual, a Member of the Senate, can go up to the fourth floor and reach that conclusion, it seems to me they could then support the Brown amendment. But I would urge Members to do that. I have done that now twice. I have had a third briefing on top of that. I cannot in good conscience reach any conclusion such as that, or come close to it. It is not even, to me, a close question.

I think in order for a person to conclude anything other than what I have concluded would require absolutely closing one's eyes to the extraordinarily clear evidence on this subject. What is that evidence? We are not allowed to describe that on the Senate floor. It is classified. We can describe our own conclusions, and we have. We can urge our colleagues to go and review that evidence—it does not take long—and reach their own conclusions, which surely our colleagues I believe should do. But the issue here is so important. It is a proliferation issue that it is incumbent upon those of us who have seen that briefing to urge our colleagues tomorrow morning, prior to the vote, to take a few minutes and go up and look at those materials in room S-407.

Now, our good friend from Colorado—I must commend him for a lot of reasons—he has applied an intellectual acumen to this matter as well as his own great spirit which makes it always difficult for those of us who disagree with him to disagree with him, because he is a man of great reason and a man of great integrity. He has pointed out in his amendment that it specifically says that "nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B." And that language is indeed in his amendment.

The problem is that his amendment does affect sanctions. The words in section 8 which I just read, which says nothing shall affect sanctions, are the words. But actions speak louder than words. The action part of this amendment is earlier in the amendment when it says that military equipment, "other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts for cases entered into before October 1, 1990." So the words in subsection (h) which say that "nothing contained herein shall affect sanctions" are contradicted by what is contained herein, which is the authority to transfer military equipment to Pakistan. That is the action part of the amendment.

How I wish it were true that nothing herein affected sanctions for transfers of missile equipment required under section 11B. If there were nothing in here which affected our missile technology control regime, if there were nothing in here which affected our Arms Export Control Act, there would not be any opposition to the Brown amendment on this floor. The problem is that this very amendment, by authorizing the transfer of military equipment to Pakistan, is undermining the Arms Export Control Act which says that this equipment shall not be transferred if—this is the big "if"—if, in fact, Pakistan has received missiles or components or technology within the missile technology control regime. That is the "if."

Each one of us can reach our own conclusion. I think the conclusion is so crystal clear that there is not much room for doubt. The Secretary of State apparently has said that there is enough doubt in his mind that he has not yet reached that conclusion. How he has been able to say that in light of all that evidence beats me. But I hope everybody will reach their own conclusion. But this issue is so critically important, this proliferation issue, that it requires each of us to focus on that evidence, reach our conclusion, and if the conclusion is that, in fact, missiles have been transferred and if the conclusion is that they have a range and payload that exceeds the missile technology control regime, then it seems to me that the Brown amendment must be defeated.

And so, Mr. President, again, let me commend the Senator from Ohio, thank him for yielding me time. I also want to thank the Senator from California for the amendment which she is working on which will give us an opportunity to do two right things: One is to live up to our own Arms Export Control Act and to do the right thing on proliferation at the same time that we do what equity requires relative to the return of any funds that indeed equity might require be returned to Pakistan. We cannot do both things.

The Senator from California will be offering an amendment which will allow us to do both things, but the amendment before us puts us on a very, very difficult road which I think undermines the deep concerns which every Member of this body feels about proliferation.

Mr. HARKIN. Will the Senator yield?

Mr. LEVIN. I not only yield, I am happy to yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, the distinguished Senator from Vermont wants to make a brief presentation. While I have indicated to the Senator from Iowa that he would be next, with his acquiescence, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I will be brief, as I have to take the chair as soon as I can.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that John F. Guerra, a Pearson fellow on my staff, be granted the privilege of the floor for the pendency of this legislation.

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

Mr. JEFFORDS. Mr. President, I will be brief. First, I will support the amendment of the Senator from Colorado, but I also will take a moment to commend the Senator from Kentucky

[Mr. MCCONNELL] for the time and hard work he and his staff put into crafting this legislation. He has done a commendable job with a tough assignment: to reduce our expenditures on foreign aid by a significant amount without compromising national interests. I appreciate his willingness to work with all of the members of the subcommittee to craft a bill that meets the budget allocation and comes to the floor with a broad backing of both the Appropriations Committee and a majority of the foreign assistance community.

Let us look at the big picture for a moment. We have committed ourselves to reducing the crippling Federal deficit, and failure to do so would irrevocably cripple our Nation and our economy for years to come.

Yet, we must not blindly slash spending across the board. We must carefully review our priorities and assign our limited funds accordingly.

I have been arguing for some time that education must be one of our top priorities. Spending on education is only about 3 percent of the entire Federal budget. Yet, if we do not prepare our children for the future, we will be unable to maintain our standard of living.

I am concerned that the quality of our educational system is falling behind that of our major international competitors, and if this trend continues, we will find ourselves severely handicapped in our efforts to maintain a position of economic leadership and our standard of living.

The other very small, yet very important, area of Federal spending is foreign aid. While many Americans think we spend about 15 percent of our budget on foreign aid, in truth foreign aid comprises only 1 percent of the budget. And this small investment is being cut in this bill by almost 10 percent. Foreign aid is doing its share in contributing to deficit reduction.

Yet, there is a danger in cutting these accounts too deeply. Much of this funding goes to meeting basic human needs abroad and to empower people to take control of their own development. If we do not make a modest contribution to the efforts of certain less developed nations to get their societies and economies on the right track, then we will lose out as these markets open to foreign business. If we do not increase our exports, we will not be able to maintain our standard of living. It is that simple.

Let me touch briefly on a few of the concerns I have with the bill. I am confident that the chairman and the ranking member will continue to work with me and other Members to address the issues as we move through the process. While I am appreciative of the efforts that have been made to increase the funding for international organizations and programs account, more needs to be done. The funding is highly leveraged in most cases by funding matches from many other countries that share these development and environmental priorities.

I hope we can address this issue further as we move through this process. Otherwise, I worry that we may jeopardize the very good work done by many international organizations, including those ably led by Americans.

Let me mention the consolidation of the development assistance and economic support fund into a single assistance account. That dissolves the well-established separation between those two distinct aspects of U.S. economic aid. I am worried this change makes developmental assistance vulnerable, especially in the event of emergencies, to short-term pressures at the expense of long-term goals.

I understand the chairman's reasons for including both the development fund for Africa and the child's survival program in the new bilateral economic assistance account. However, I trust that as we move through the process, every effort will be made to protect these programs from any further reductions. It is critical that the funding for these neediest individuals and the neediest continent be preserved.

The cut of $28 million below the administration's request for voluntary funding for the peacekeeping account is also of concern. International peacekeeping is a great way of leveraging our defense expenditures and reducing the exposure of our troops, while helping to resolve conflicts of direct concern to us. It is one of the most cost-effective methods of increasing capabilities while sharing the burden in situations that demand our attention.

Mr. President, I want to again commend the Senator from Colorado for raising and discussing very eloquently this very difficult and important amendment. I also again want to commend both the chairman and ranking member of the subcommittee for their efforts in crafting a bill under extremely difficult circumstances.

Mr. President, I yield back the remainder of my time.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, we have been trading back and forth. I have committed to the Senator from Iowa. I certainly will understand if the distinguished Senator from Ohio——

Mr. GLENN. That is all right.

Mr. BROWN. Mr. President, I thank him and thank him for his generosity in allowing us to proceed. I yield now to the Senator from Iowa such time as he may consume.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding me this time.

I am proud to join with my colleague, Senator BROWN, in cosponsoring this amendment to the foreign operations bill. I think this amendment by Senator BROWN is the first step in moving toward a stronger and more flexible relationship with Pakistan, and I commend the Senator for all of his work on this important issue.

First, I will just say that some may call this a pro-Pakistan amendment, implying this is to help Pakistan and nothing more. Quite frankly, I see this as a pro-American amendment that strengthens U.S. interests and objectives in a vital region of the world.

I am sorry I was not able to be here for some of the earlier statements that were made, but I was here for most of the comments made by my colleague from Michigan. As I was listening, I was jotting down some notes. I could not help but think, as the Senator from Michigan, my good friend, was speaking, that the missile technology control regime only covers exports and imports. It obviously does not cover missiles developed in the country.

The question I was going to pose to the Senator from Michigan when he yielded the floor was whether or not the Senator from Michigan would be willing to extend these kinds of sanctions to India, even though it is not under the MTCR? We understand that. But nonetheless, a duck by any other name is still a duck, and when you are talking about missile technology and throw weight and whether or not you have the capability of delivering certain types of weapons, then certainly India has proceeded down that path.

MTCR, as we know, only covers imports and exports, but when you are talking about sanctions in terms of a missile regime, I think you have to look at it more broadly than that. So, again, if you are going to have sanctions, why not have sanctions on India, too? I rather doubt the Senator would be in favor of that.

But I say to my friend from Michigan that I think—and I checked this; it has been checked by staff with the State Department—that the major flaw in the argument of the Senator from Michigan is this: If there are violations, would the MTCR prohibit only all new licenses to Pakistan and China? The items we are talking about here were already licensed in the 1980's. These are old licenses, not new.

So my point is that even if MTCR sanctions were imposed tomorrow, all of these items could still go to either Pakistan or to China.

So the Senator from Michigan made an interesting statement, but it just does not comport with the facts and with what MTCR covers.

Mr. President, again, whether or not this evidence exists, let me read here a statement made by Secretary Warren Christopher on July 28, 1995, this summer, to the National Press Club.

Here was the question:

> Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran.

Secretary CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. President, I ask unanimous consent that this statement appear at this point in the RECORD.

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

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION, NATIONAL PRESS CLUB, WASHINGTON, DC

Question. Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

Secretary CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. HARKIN. Mr. President, again, Secretary Christopher said, as late as July 28, there was not enough evidence that would justify the imposition of sanctions.

That is really kind of what we are talking about here. Again, my friend from Michigan mentioned something in his comments about the transfer of missiles and missile technology. All I can say is that the last paragraph of the amendment is very clear and unequivocal. It says:

Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act.

You cannot get much clearer than that. Again, I think the Senator from Michigan sort of raised a kind of straw man here because, obviously, the amendment offered by the Senator from Colorado is explicit in its last paragraph in saying that nothing herein shall violate the Arms Export Control Act.

Next, Mr. President, in case anybody says, "Well, that was July 28 that Secretary Christopher made those comments," I have a copy of a letter here to the majority leader, Senator DOLE, from Secretary Christopher, regarding several issues, one of which is the issue regarding Pakistan. Let me read this paragraph that is in the letter dated September 20:

We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid.

That is what is in the Brown amendment.

To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

That is dated September 20.

Mr. President, I ask unanimous consent that that be printed at this point in the RECORD.

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

SECRETARY OF STATE,
Washington, September 20, 1995.

DEAR SENATOR DOLE: As the Senate begins consideration of the FY 1996 Foreign Operations Appropriations bill, I would like to address several issues in the version of the bill as reported by the full Appropriations Committee.

At the outset I would like to thank Chairman McConnell and Senator Leahy for their willingness to work with us and to include priority initiatives such as a long-term extension of Middle East Peace Facilitation Act (MEPFA) and a drawdown authority for Jordan in the subcommittee mark. We would oppose any amendments that would alter the carefully negotiated language for either of these initiatives. Also, we appreciate the Subcommittee's removal of objectionable conditions adopted by the House on population assistance and aid to Turkey, Haiti, and Mexico. We hope to continue in this cooperative fashion to produce a Foreign Operations bill that can be presented to the President with bipartisan support.

Despite the favorable aspects of the legislation, there are several items that are of great concern to be Department of State. The funding levels throughout the bill are well below the President's request level. The Foreign Operations cuts, coupled with the cuts being proposed to international programs in the Senate's Commerce, Justice, State Department Appropriations bill, represent a serious threat to America's leadership in international affairs.

The bill also contains numerous earmarks and substantially restructures our foreign aid accounts. We expect international agencies to do their share in the effort to balance the budget as the President's budget plan makes clear. However, we, the Administration, should have the flexibility to apply funds to the programs that provide the best results. Earmarks in our programs for the New Independent States, International Counternarcotics, and economic assistance would prevent us from being able to respond to the crises and unexpected requirements of the post-Cold War world. Further, the proportionality requirement in the new Economic Assistance account restricts our ability to change the distribution of these funds from year to year. We oppose these restrictions.

The bill also contains a number of objectionable policy provisions. Retrictions on our ability to contribute to the Korean Energy Development Organization (KEDO) would, in effect, prevent U.S. funding of KEDO and greatly hinder, if not destroy, the international effort to implement the Agreed Framework. We oppose linking KEDO funding to substantial progress on North Korean/South Korean dialogue. Imposing an artificial and unrealistic deadline on North/South talks, which have taken years to progress, will hold hostage the very funding that will facilitate the progress we all so desire. We remain convinced that the North/South dialogue will move forward substantially as a result of the Agreed Framework and the creation of KEDO. Our failure to contribute to KEDO will threaten its ability to meet its obligations under the Framework and, consequently, invite North Korean non-compliance. The Agreed Framework is working. North Korea has frozen its nuclear weapons program. We need Congressional support for KEDO to keep the freeze in place.

Regarding assistance to the New Independent States (NIS) and Russia, we have reached a critical moment in the reform process. Continued funding is essential. It can make a major difference in whether reformers in Russia, Ukraine, Armenia, Moldova and other states will be able to maintain momentum, or the opponents of reform will halt the development of democratic market societies. We need to stay the course for this transitional period, while normal trading and investment relationships develop in the former Soviet states. We very much appreciate the continued support we have received from the Congress, and the Senate Appropriations Committee in particular, for this critical effort, as reflected in this bill.

At the same time, however, we oppose new conditions on assistance to the NIS. It is of course tempting to withdraw our assistance as punishment when we do not agree with Russian actions or policies. But this would be a mistake. This assistance is in our national interest. Cutting or restricting aid would hurt reformers, the very people who have protested the war in Chechnya, criticized Russia's proposed nuclear sale to Iran, or insisted that Russia end cooperation with Cuba. We urge you to remove such conditions from this bill. Let me assure you that we share your concerns about Russia's policies in these areas; that is why we continue to work on other fronts to stop the Russian nuclear reactor sale to Iran and to prevent completion of the Cuban reactor project.

We also urge you to restore the national security waiver for the certification requirement on violations of territorial integrity, which has been removed from the Senate version of this bill. It is important that the President retain the ability to determine whether the national security of the United States justifies a waiver of this requirement. Moreover, removal of the waiver provision could have unintended consequences, such as prohibiting humanitarian assistance to the victims of regional conflicts in countries such as Armenia.

The language regarding restrictions on the terminaiton of sanctions against Serbia and Montenegro also reflects objectionable House language carried over in the Senate bill. The recent combination of NATO's resolve and energetic United States leadership on the diplomatic front has led to some encouraging opportunities for a negotiated settlement to the conflict. To prematurely close off any avenues that may lead to a diplomatic settlement, including adjustments to the sanctions regime against Serbia, would complicate our efforts.

We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment

that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

There remain other problematic issues in the bill, but we are encouraged by the willingness of the bill's managers to work with us, and we hope that these other issues can be resolved on the Senate floor or in conference.

Sincerely,

WARREN CHRISTOPHER.

Mr. HARKIN. Mr. President, last, regarding the letters, in making the point that the points of the Senator from Michigan are not in keeping with the views of the Secretary of State or of this administration, let me also read from a letter dated August 2 from the Secretary of Defense, William Perry, to the chairman of the Armed Services Committee, Senator STROM THURMOND. Again, I will read the first paragraph:

For the past six months, the Administration has wrestled with the difficult problem of trying to build a stronger, more flexible relationship with Pakistan—an important, moderate Islamic democracy in a troubled region which has been a long-time friend and has become a major partner in peacekeeping operations—while promoting the very important nonproliferation goals of the Pressler Amendment.

Then he went on in the letter to point out basically what is in the amendment and what the President would support. And then Secretary Perry says this:

While we recognize this is not a perfect solution, it is, we believe, the course which will best help us resolve a difficult problem with a country which has long been a friend. This is an effort to resolve issues involving "fairness" that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo, unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern. If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

Mr. President, I ask unanimous consent that this entire letter to Senator STROM THURMOND, dated August 2, 1995, be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, August 2, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: For the past six months, the Administration has wrestled with the difficult problem of trying to build a stronger, more flexible relationship with Pakistan—an important, moderate Islamic democracy in a troubled region which has been a long-term friend and has become a major partner in peacekeeping operations—while promoting the very important nonproliferation goals of the Pressler Amendment.

Based on a detailed review within the Administration and consultations with Congress, the President had decided to address this matter on three fronts:

First, he strongly supports provisions already contained in the House and Senate versions of the Foreign Aid Authorization bill that would permit us to resume economic assistance and limited military assistance affecting clear U.S. interests (including assistance in peacekeeping, counterterrorism and counternarcotics as well as IMET).

Second, the President has decided to seek authority, as provided by an amendment to be proposed by Senator Brown, that would release approximately $370 million worth of embargoed military equipment purchased by Pakistan before the imposition of Pressler sanctions. This authority would specifically exclude the release of the F-16s. Among the items that would be released are three P-3C Orion maritime patrol aircraft, Harpoon anti-ship missiles, counter-mortar radars, howitzers, and support kits for F-16s and Cobra helicopters already in the Pakistani inventory. These items will not disturb the conventional arms balance in South Asia which overwhelmingly favors India.

Finally, the President has decided that, rather than releasing the 28 F-16s to Pakistan, he will seek to sell them to a third country and deposit the proceeds of any sale in the Pakistan Trust Fund to reimburse, as much as the sale permits, Pakistan's investment in these aircraft.

While we recognize that this is not a perfect solution, it is, we believe, the course which will best help us resolve a difficult problem with a country which has long been a friend. This is an effort to resolve issues involving "fairness" that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern. If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

The second aspect of this three-part effort—embodied in Senator Brown's pending amendment to provide authority to release the embargoed Pakistan equipment other than the F-16s—may be coming to a vote very shortly. I urge you to support our efforts to resolve this problem by supporting Senator Brown's amendment when it is offered.

Sincerely,

WILLIAM J. PERRY.

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

The total package has a value of $368 million—not $700 million as has been reported.

Although the P-3C Orion provides a long-range offensive capability, three aircraft would hardly disturb India's nearly 2 to 1 advantage over Pakistan in naval systems:

It is claimed that the P-3s provide a "lethal stand off capability" against Indian naval targets as far south as Cochin; however, it should be noted that because the Pakistan Navy has no aircraft carriers (of which the Indian Navy has two), the Pakistanis would be unable to provide fighters to escort these slow aircraft when operating at such a great distance from Karachi—thus leaving them vulnerable to interception by either land-based Indian Air Force fighters or carrier based Indian Navy aircraft.

It is incorrect to say that the P-3C represent a new weapons system for the region as the Indian Navy already has two squadrons of similar maritime patrol aircraft that include five Il-38 (the Russian version of the P-3) and eight Tu-142 *Bear* F aircraft. While these aircraft do not have a system equivalent to the Harpoon, they do have equipment to locate submarines and are capable of launching torpedoes.

The Indian Navy also possesses an anti-ship missile, the *Sea Eagle*, which is similar to the Harpoon. Although not capable of being launched from the maritime patrol aircraft mentioned above, the Indian *Sea Eagles* can be carried on the *Sea Harrier* jets and the *Sea King* helicopters which operate from India's two aircraft carriers—thus giving the Indian Navy a more formidable long-range strike capability than that provided by three P-3s.

C-NITE would enable Pack Cobra helicopters to launch TOW 2 anti-tank guided missiles at night; however, these 19 helicopters, so equipped, would hardly offset India's 2 to 1 advantage (by over 2000 tanks) over Pakistan.

The Pakistani F-16s are already equipped with the AN/ALR-69 radar warning receiver and AN/ALQ-131 electronic counter measures jamming equipment. These are defensive rather than offensive systems. The ALR-69 alerts the pilot that a radar has "painted" his aircraft; the ALQ-131 electronically deflects the hostile missile. The ALR-69 and ALQ-131 kits that would be released would enhance the reliability of these systems rather than provide any new military capability.

Since Pakistan has previously received over 200 AIM-9L air-to-air missiles, the release of 360 more will not provide any new capability. Furthermore, India will still enjoy an almost 2 to 1 advantage in jet combat aircraft over Pakistan to include a better than 2 to 1 advantage in aircraft equivalent to the Pakistani F-16s (i.e., MiG-29 and Mirage 2000).

The 24 howitzers that would be released to Pakistan are M198 155 mm towed howitzers. Given the fact that the Indian Army has over 3000 towed artillery pieces (almost twice the number in the Pakistani inventory), 24 more will not make a significant difference. It should be noted that during the nearly five years that these howitzers were embargoed, India acquired over 250 equivalent artillery pieces from Czechoslovakia and Russia/USSR.

In regard to MK-46 torpedoes, Pakistan will receive parts that constitute less that one operational MK-46.

As for the 2.75" rockets, these constitute a resupply of ammunition for one of the weapons systems on the Pakistani Cobra helicopters—they do not give Pakistan any new capability.

Mr. HARKIN. Mr. President, I wanted to make those points up front to adequately refute, I think, some of the points made by my friend from Michigan. This basically is, as the Senator from Colorado has stated so many times, a basic issue of fairness. Pakistan has been a long-time friend and ally of the United States.

I know the hour is late, but I think it is important that, once again, we review a little bit of history so that we do not kind of operate in a vacuum, as though Pakistan was born yesterday, or that somehow our relationship with Pakistan just started.

This is a relationship that goes back a long way. At the time of its independence, in 1947, Pakistan made a conscious choice to promote friendship with the United States rather than the Soviet Union. The first Prime Minister of Pakistan, Liaqat Ali Khan, chose to undertake his first overseas visit to the United States instead of to the Soviet Union, despite efforts by Moscow to entice him there. While in the United States during 1950, the Prime Minister explained to various American audiences that the principles on which the nation of Pakistan was based were as compatible with the political, economical, and ideological goals of the United States as they were incompatible with communism. He expressed that it would be the view of his government to "throw all its weight in the effort to maintaining stability in Asia."

In a speech to this Congress, Prime Minister Liaqat Ali Khan proclaimed that "no threat or persuasion, no material peril, or ideological allurement could deflect Pakistan from its chosen path of free democracy."

Pakistan lived up to its commitments later on in June of 1950 when it declared its unqualified support for the United States in our war in Korea and backed us in that war.

In 1954, they joined the Central Treaty Organization. In 1955, they joined SEATO. These two American-backed alliances were aimed at the containment of communism and were very successful. In 1959, our two countries signed a Mutual Defense Treaty, which is still operational today. So this is a long history.

Again, some will say, well, Pakistan has had military dictatorships and violations of human rights. Listen, I understand that. But I believe that the freedom advocates in Pakistan have been at it continually. They have been assassinated and tortured, but they continue to struggle for democratic freedoms in that country. Those are the ones about whom I spoke, not the military dictators, not the repressive forces in Pakistan, of which there are more than just a few, but to those brave people of Pakistan who, through all of this, continue to struggle and to fight and to maintain an adherence to democracy. In 1960, Pakistan's commitment, its friendship to the United States was put to a very severe test.

Again, in accordance with the Mutual Defense Treaty, Pakistan allowed us to set up some bases. One of them was a base from which we flew our U-2 flights over the Soviet Union and one of those flights, as we all too sadly remember, was shot down by the Soviets. Francis Gary Powers was the pilot. We all know how the Soviets paraded him as one of their trophies.

Soviet leader Nikita Khrushchev turned his ire on Pakistan because he knew that is where the plane left from. He threatened to use nuclear arms and weapons against Pakistan. He boasted that the City of Peshawar would be wiped off the face of the earth because that is where the base was. The former Foreign Minister of Pakistan, in his recently published account of the incident, describes the cool and confident reaction of the then-President of Pakistan, who dismissed the Soviet threat by saying, "So what?"

Again, put yourself in that context. Korean war, Mutual Defense Treaty, allowing us to base our U-2 flights here. They are bordering right on the Soviet Union, and yet they stood by us.

Pakistan again came to the help of the United States by helping to facilitate the crucial opening of American relations with China. In 1970, then-Secretary of State Henry Kissinger undertook a secret visit to China from Pakistan. Thus, again, Pakistan served as that vital bridge between the United States and China. Again, it was critical in the cold war to restrain the Soviet Union.

Moscow began to speak of the Washington-Beijing-Islamabad axis. Again, it was only Pakistan which bore the brunt of Soviet anger when Moscow signed the defense treaty with India, and through a massive transfer of arms as well as political support which enabled India to invade East Pakistan in 1971.

Regrettably, the United States stood by even though we had a mutual defense treaty with Pakistan at that time.

In 1979, once again Pakistan's friendship with the United States was put to a severe test when the Soviet Union invaded Afghanistan. Over the next decade, Pakistan joined the United States in helping to roll back Soviet communism and expansion. It did so at great cost. Not only, again, did the Soviet Union threaten Pakistan with dire consequences, but launched a campaign of subversion and terror against Pakistan. The country experienced numerous violations of its ground and airspace, terrorist bombings, subversion.

To add to these problems, Pakistan provided refuge to more than 3.2 million Afghans at great political and economic cost to itself. Think about that, Mr. President: 3.2 million Afghans sought refuge in Pakistan.

Pakistan continues to pay the price for the role it played in the defeat of the Soviet Union in Afghanistan. But they stood by us and they helped. Ironically, however, this successful cooperation between Pakistan and the United States was followed by the worst period in their bilateral relations with our country with the imposition of the Pressler sanctions against Pakistan in 1990.

Even despite this development, Pakistan continued to seek friendly relations with the United States and came to our assistance whenever we requested. Pakistan made significant troop contributions to the multinational forces during the gulf war to liberate Kuwait. At the political level, Pakistan not only condemned the Iraqi invasion of Kuwait but was instrumental in promoting the U.N. efforts for the liberation of Kuwait.

Again, Pakistan took a lead role in the peacekeeping operations in Somalia, serving together with American troops in that country. It was not the first time that American and Pakistani soldiers died together for the same cause.

Again, at our request, Pakistan has been at the forefront of contributing to U.N. peacekeeping operations. Pakistan forces have been deployed for peacekeeping purposes in Bosnia, Liberia, Haiti. Pakistani troops were in Haiti, helping us to restore democracy to Haiti, Western Sahara, Mozambique, Georgia.

Recently, the United States and Pakistan have also joined hands in the fight against terrorism and narcotics. Recently, and in cooperation with American personnel, Pakistan recently apprehended Ramzi Yousaf for alleged involvement in the World Trade Center bomb blast, and Pakistan has extradited over half a dozen drug barons to the United States in our joint counternarcotics drive.

Again, Mr. President, I recite all this. I know a lot of people know this history, but maybe too many of us have forgotten, and we have forgotten what a close friend and ally Pakistan has been.

Again, as a moderate democratic Islamic country, Pakistan is the only tried and trusted friend that we have in that Islamic world. The recent visit of Prime Minister Bhutto clearly demonstrated that Pakistan's commitment to friendship with the United States remains as strong as it was during the cold war.

Mr. President, with this kind of history, for the life of me, I cannot understand why we continue to treat that country as we do. Again, I am only talking again about fairness. Secretary of State Christopher said that. It is an issue of fairness. Secretary of Defense Perry said it is a question of fairness and a question of our relationships with Pakistan.

Mr. President, again, neither India or Pakistan are a party to the Nuclear Nonproliferation Treaty. I wish they were. If I had an argument against Pakistan, it would be that argument. They ought to be a part of it. But so should India. India cannot skate by on this simply because they say they are not importing and they are building

their own. They cannot skate by on that kind of flimsy excuse.

Again, I do not think anyone here would advocate unilateral disarmament on our part. Certainly, we could not expect Pakistan to have a unilateral disarmament on their part.

Again, I hope that both sides, India and Pakistan, would agree to a regime of peaceful relations and a downgrading of both of their military systems. But we cannot expect Pakistan unilaterally to do that, not given the history of that region.

I understand Pakistan is not a perfect country. But, again, what we are doing is not fair. Absolutely not fair.

The Brown amendment moves United States policy forward so that we can work with Pakistan to tackle a lot of problems: drug trafficking, international terrorism, peacekeeping, illegal immigration. But, again, it also strengthens a competitive position for United States companies to do business in Pakistan. So it advances our interests abroad.

Again, on the question of military equipment, the Brown amendment is a fair and responsible approach. A fair and responsible approach. We should not be charging Pakistan with the storage of military equipment they purchased that we did not release. It is not fair. We should not be holding on to military equipment that Pakistan simply sent here for repair. It is not fair. And we should not hold on to the money and hold on to the equipment that Pakistan has bought and paid for. That, too, is unfair.

This issue has led to a steady erosion of our relationship with Pakistan, an old friend—a struggling democracy, struggling, a very troubled part of the world.

So in order to strengthen our partnership and advance American interests, it is essential to put this problem behind us, wipe the slate clean and concentrate on the issue of nonproliferation, which is the intent of the Pressler amendment.

The Brown amendment helps us do just that.

Again, when you look at the equipment that we are talking about, there is nothing in here that is new. As I said, these are items that were already approved. These are not items that would be covered under the missile technology control regime.

I want to make that point one more time to my friend from Michigan. Even if the MTCR sanctions were imposed tomorrow, all the items in the Brown amendment could go because they had already been approved under the old regime.

Again, the Brown amendment is fair, it is responsible, it is reasonable, it will wipe the slate clean. I think it will help promote democracy and the democratic forces that are struggling and have struggled so hard in Pakistan. I do not think it will do one iota in any way to encourage any kind of nuclear proliferation or technology of missiles or anything else. As I said, the Secretary of State and the Secretary of Defense have both said that the evidence is not there in sufficient amount to impose these kinds of sanctions.

So, again, I would just say that it is in our best interests to adopt the Brown amendment. That is why the administration supports it so strongly. That is why I support it. I believe we have to get on with renewing our relationship with Pakistan, to wipe the slate clean, to treat them fairly—not unfairly.

If people want to talk about the country that has, I think, pushed us to the limits in terms of using nuclear devices, testing nuclear weapons, and building up nuclear arsenals, we ought to be talking about India, not Pakistan. So I think this will get us back on a more even keel and perhaps will set us up in a regime where we can actually engage both India and Pakistan to begin a process of more peaceful relations and negotiations leading to a cooling down in that region of the world and, perhaps, even a reduction in the weapons in both India and Pakistan.

If we continue on the way we are going, then I fear the hard line forces in Pakistan, the antidemocratic forces, are going to go to the forefront. I think they are the ones who are going to be able to say look, how can you trust the United States? Here we have done all these things for the United States over all these years—we have supported them, been their great friends, backed them up, and they turned their back on us.

If you want to push Pakistan, as some of these people are saying, closer to China, that is the way you do it. If you defeat the Brown amendment you will get just what you asked for. You will get the more repressive forces in Pakistan going along with the repressive forces that are dominant in China today, and then we really will have a problem in South Asia.

Mr. President, I urge the adoption of the Brown amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, before the Senator from Iowa leaves, I want to point out, he was questioning whether we would have the guts to sanction India. I point out to him that we did sanction India under the MTCR. We had United States sanctions imposed against India, the Indian space research organization, and against Russia, Glavcosmos, for the Russian transfer of cryogenic rocket engines. That was in 1992, I believe. So we did actually have sanctions against India.

What we did was we cut the United States exports of missiles for a 2-year period, I believe it was. I do not have the exact date it was put into effect—yes, we do. This is out of the May 12, 1992 Washington Post, an article by R. Geoffrey Smith titled, "U.S. Imposes Sanctions Against Russian-Indian Concerns Over Rocket Deals."

Mr. HARKIN. If the Senator will yield, that is true, but the sanctions have since expired.

Mr. GLENN. They expired, but I thought the point was we did not have guts enough to assign sanctions against India—but we did. We have done it.

Mr. HARKIN. Again, we continued the sanctions on Pakistan but let them expire on India.

Mr. GLENN. The same sanctions expired on India. But, anyway, the issue here is not the money, small amounts of equipment and so on. The issue is: Does the United States of America have a nuclear nonproliferation policy worthy of the name or not? That is basically what we are talking about. Do we have one and are we willing to abide by it? Or is it a sham? Is it only for press conferences? Is it only for campaign talk and little else? That is the question.

Talk about trusting the United States, let us talk about how much we can trust other nations of the world whom we try to help and work with. We have felt strongly enough about our nuclear stockpiles and what is going on around the world that we have exhorted other nations to please sign up under the nonproliferation treaty. At the same time, we pledged that if a situation ever got to where we could start working our stockpiles of nuclear weapons down, vis-a-vis the Soviet Union, we would do that. Fortunately, at this day and time, after all these years of cold war, we have reached that point where we now are downsizing, as we call it, our nuclear weapons stockpiles. And we are all glad that is occurring.

In the meantime we asked other nations to sign up under the NPT, to submit to IAEA inspections. And we have had 178 other nations that have put their faith in the United States of America, to follow our lead and say, "Yes, we trust you. And, yes, we will go along, we will not develop nuclear weapons in return for America's cooperation in peaceful uses of nuclear energy."

Who is the most egregious violator of all these things with regard to not signing up, refusing to sign up under the nonproliferation treaty, not cooperating in matters nuclear, in fact telling untruths, one right after the other, one right after the other, on and on and on and on and on? That is Pakistan.

I can appreciate very much the situation Pakistan finds itself in. Some years ago China developed nuclear weapons. They have been part of the nuclear weapons scene across the world for many years. India and China have had border troubles, disputed territories. Both claimed certain areas up along the border, and they have been back and forth at each other for many, many decades, going way back. So, as soon as China developed nuclear weapons, India felt they had to do the same thing or they would not be safe. So they set about a nuclear weapons development program. In 1974 they set off their first nuclear device. They called it a PNE, a peaceful nuclear explosion. OK, that is fine, they can call it what they want, but a bomb is a bomb is a bomb is a bomb, whether you call it a peaceful bomb underground for test purposes or whether it is a bomb that is usable, an explosive device that will go off somewhere else.

As a result of the Indian PNE, then we had Pakistan swore they would get the bomb one way or another, no matter what they had to do to do it. In fact then Prime Minister Bhutto, the current Prime Minister's father, who later died, said that, to quote his words, Pakistan would "eat grass" if it was necessary to get that nuclear capability. They have been embarked on a nuclear weapons program ever since, even though they have steadfastly denied it, year after year after year after year. And they have been untruthful to us.

I went to Pakistan, met personally with President Zia back years ago, with Yaqub Khan, who was foreign minister, and their atomic energy commissioner at that time, met with all these people, sat and talked to them one on one, looked them right in the eye, and they swore up and down they had no nuclear program under way. And I think they even knew at that time that I knew that what they were telling me was not true, even though we had good intelligence information at that time.

Let me just quote—I am going to put some of this in the RECORD later on at the end of my remarks, but let us bring it up to date here with the present Prime Minister, Benazir Bhutto. Listen to some of her comments on this. Going back when she was opposition leader, Benazir Bhutto, shortly before she became Prime Minister, the Washington Post quotes her as saying:

> We don't want any controversy with the U.S. on the nuclear issue. We want it clear beyond doubt that we are interested only in energy, not nuclear weapons.

That was on November 19, 1988.

On November 28, 1988, once again opposition leader Benazir Bhutto, interviewed in Time Magazine, says:

> We believe in a peaceful nuclear program for energy purposes and nothing else.

Now Prime Minister Benazir Bhutto, interviewed in the Calcutta Telegraph on December 14, 1988—she is now Prime Minister—is quoted as follows:

> I can tell you with confidence there is no bomb program in Pakistan. There is no bomb program. There is no bomb program.

Later on Prime Minister Benazir Bhutto, interviewed on MacNeil/Lehrer on December 16, 1988:

> We are committed to a peaceful energy program. We don't have any nuclear weapons policy. Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon.

Bring it on up a little bit. Prime Minister Benazir Bhutto, once again addressing a joint session of the U.S. Congress, on the other end of the Capitol from us, when she came over here and addressed us on June 7, 1989, said:

> Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.

That was to the Congress of the United States.

July 10, 1989, Prime Minister Benazir Bhutto:

> Pakistan has not, nor do we have any intention of putting together or making a bomb or taking it to the point where you can put it together.

Another one quoted by AFP on August 29, 1989:

> We do have the knowledge but I do think there is a difference between knowledge and capability. So we do have a knowledge, if confronted with a threat to use, but we do not in the absence of any threat intend to use that knowledge. In fact, as a matter of policy, my government is firmly committed to nonproliferation.

Then quoted in an interview in a German newspaper, as quoted by Reuters, on October 22, 1989:

> It is true that Pakistan has certain knowledge in the nuclear field but it has no intention of using this knowledge. To put it another way, we do not want to convert this knowledge into, shall we say, a nuclear capability at the present time.

And the last one that I will read here out of a number of other examples I could give was in 1994, last November, November 18, 1994, being interviewed by David Frost on PBS. Prime Minister Benazir Bhutto:

> We have neither detonated one nor have we got nuclear weapons. Being a responsible state and a state committed to nonproliferation, we in Pakistan through five successive governments have taken a policy decision to follow a peaceful nuclear program.

Well, at a later time I will ask to enter these in the RECORD at the end of my remarks. But those are examples of some of the statements and there are several dozen others here by various Pakistani officials that go along the same line.

Well, so much for the protestations that they have made through the years.

In 1987, Abdul Qadeer Khan, father of the bomb in Pakistan as he is known, in an interview, I believe it was in London, made the mistake of saying that, yes, they had the bomb. That was it, period.

MTCR was brought up a little while ago as well as M-11's. When we talked to some of the people over at the White House today, after I said, what if the missile technology, MTCR, has been violated? What would be the administration's policy? I was told by the person I was talking to, not the President, but I was told by the person I was talking to, "Well, if MTCR has been violated, we will abide by the law."

I hope they mean it. I wish they would do the same thing with regard to the Pressler amendment and with the other legislation that we have had on the books for a long time.

To understand how we arrived at this difficult state of affairs with Pakistan, in which they have paid $658 million in cash and used $200 million in credits for 28 F-16's but cannot have them delivered, I think we need to go back. I think we need to review a little bit of the history of Pakistan.

I would also add that $658 million in cash and $200 million in credits comes up to about $858 million that we are talking about.

But to go back a little bit, in the mid-1970's, Congress became concerned about increasing evidence of international nuclear trade in dangerous technologies associated with producing nuclear weapon materials.

A number of countries, including but not limited to Pakistan, South Korea, Brazil, Taiwan, were actively engaged in seeking such technologies, and suppliers such as France and Germany seemed prepared to meet the demand.

Now, in an attempt to dampen such activity, in 1976 and 1977, Congress enacted what is now called the Glenn-Symington amendment to the Foreign Assistance Act which provided that countries importing or exporting such dangerous technologies under certain conditions would be cut off from U.S. economic and military assistance.

This law was universal in its application. It was not directed specifically toward Pakistan at all. Nonetheless, in 1979, after much information became available about illegal Pakistani activities involving the smuggling of design information and equipment related to nuclear enrichment, President Carter invoked the Glenn-Symington amendment to cut off the Pakistanis.

After the war in Afghanistan broke out, attempts by the Carter administration to restore some assistance to Pakistan in return for restraints on their nuclear program were rebuffed by the Pakistanis. When the Reagan administration arrived, aid to Pakistan and the mujaheddin was high up on the administration's foreign policy agenda. At that time, they even suggested repeal of the Glenn-Symington amendment. That was suggested during some of the congressional consultations we had with them. That was rejected.

Instead, a proposal was made and adopted into law that allowed the

President to resume aid to Pakistan for 6 years despite its violations of section 669 of the Glenn-Symington amendment which related to uranium enrichment activities. President Reagan used this authority in 1982 and also issued a waiver under section 670 of the amendment. This related to reprocessing activities—to exempt Pakistan indefinitely from the cutoff provisions of that section of the Glenn-Symington legislation as well.

Now, he could not do the same under section 669 unless he had reliable assurances that the Pakistanis were not developing nuclear weapons. And such assurances were clearly not available.

Thus, a specific waiver for Pakistan was created and has been subsequently renewed five times. That allowed them to escape from the sanctions imposed by United States law for proliferators. This has been done for no other country that I am aware of. So anyone who thinks we are being too harsh on Pakistan, poor little Pakistan, we have renewed that waiver on five different occasions. Nonetheless, Congress was unwilling to give a complete blank check to Pakistan and stipulated in the waiver legislation that Pakistan would still be cut off if—if—it received or exploded a nuclear device.

Now, in addition, Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that United States assistance was indeed inhibiting Pakistan's bomb program as was confidently assumed by Reagan administration officials.

We have a number of statements that they made at that time about what a big thing this was going to be, and that was the best thing to do to get the Pakis to hold back on their bomb program. So we required reports, and those reports, along with supplementary intelligence information, revealed there was no effect whatsoever on the pace or the direction of the Pakistani bomb program.

The Pakistanis continued to say publicly they had no nuclear weapons program and continually lied to United States authorities whenever questioned. Indeed, then-President Zia and then-head of the Pakistani atomic energy commission, Mir Khan, both lied to me in my visit to Islamabad in 1984. Lying is a harsh word, but I cannot put any other word to it. That occurred when I asked about information I had concerning their nuclear program.

The result of all this mendacity, plus ongoing information that the Pakistani program was progressing, was the enactment of the Pressler amendment. The Pressler amendment was passed in 1985, which was designed to draw a new line in the sand regarding the extent of United States forbearance over Pakistan's nuclear weapons program.

The amendment required the United President to certify annually that Pakistan did not "possess," in quotes—"possess," key word—a nuclear explosive device in order for assistance to continue and that such assistance would significantly reduce the risk that Pakistan would possess such a device.

Please note that the argument about the Pressler amendment being unfair because it applies only to Pakistan is completely disingenuous because it ignores the fact that Pressler was created to shape further the unique special exemption from United States nonproliferation law given to Pakistan years earlier. If we had not had the waiver, we would not have needed Pressler.

It has been reported that CIA officials who were privy to intelligence information concerning the Pakistani program were very skeptical beginning from 1987 on that the President could make the appropriate certifications under Pressler to allow aid to continue; in other words, to say with some certainty that they did not possess any nuclear device and that our assistance was significantly reducing the risk that they would possess.

Statements from high-ranking Pakistani officials around this time suggested they had the bomb within their grasp. Nonetheless, President Reagan in 1987 and 1988 and President Bush in 1989 made those certifications. It has also been reported that President Bush told the Pakistanis in 1989 that he would be unable to make this certification the next year in 1990.

Now, the contract for the sale of 28 F-16's was signed in 1989, the year Pakistan ostensibly had been warned that there would be no further certification that would allow them to receive military equipment from the United States. The first cash payment by Pakistan of $50 million was made at the beginning of fiscal year 1990. Subsequent to the cutoff, which came because of the Pressler amendment which took affect in October 1990, Pakistan continued to send periodic payments for the manufacture of F-16's. That is, $150 million in fiscal 1991, $243 million in fiscal 1992, $215 million in fiscal 1993, for a total of $658 million.

Why did they continue to send money when they knew that U.S. law would not enable them to receive the planes? That is a question only they can answer. But it is not unlike an investor buying a stock of a company whose assets are under lien in the hope that the lien will somehow be removed. If it does not get removed, the investor can hardly call foul.

All this is to say that the Pakis are hardly entitled to any sympathy in their national security plight in South Asia. They fought three wars with a much larger adversary, India, who is pursuing a nuclear weapons program and exploded a device in 1974. By virtue of the India nuclear program being indigenous and not in violation of the terms of the Glenn-Symington amendment, the Indians have not been subject to the amendment sanctions, which would not have been effective in any case since the Indians received only token amounts of economic or military assistance from the United States.

But that is not the same thing as saying that United law is discriminatory in its application. Now, I indicated earlier we have 178 nations who have signed up and extended the nuclear nonproliferation treaty, made it a permanent treaty. It has been the policy of every American President over the past 25 years since the treaty went into effect to support the treaty, and we have been steadfast in that support.

Now, the members of the treaty deserve our trust. We have to be deserving of that trust. They put their trust in us.

Now, how will we be keeping faith with those 178 nations meeting in New York if the message that is sent is that a proliferator with a history of mendacity can receive from the United States a significant number of nuclear-weapons-delivery systems, that is, F-16's. Well, to even ask the question is to give the answer: The United States cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other.

Sending F-16's to Pakistan before full realization of the history we laid out in this letter would indeed be a gross violation of our commitment to foster nonproliferation ethics in the world through the NPT and other means and would rightfully subject us to strong international criticism.

I am certainly not an enemy of Pakistan. I visited there. I like the country. I supported them when they were threatened in the past, such as during the war in Afghanistan. I want their cooperation in the fight against terrorism and drugs. But surely we have to find a way to support them in these activities without enhancing their nuclear-weapons-delivery systems.

As to the cash payments for the F-16's, we cannot ignore the fact that, contrary to the grossly incorrect public statement made by Assistant Secretary Robin Raphel at a White House briefing on April 11, no payments were made by Pakistan before fiscal 1990. Sticking to the payment schedule of the contract until fiscal 1993 was a gamble by Pakistan that did not pay off. Now they want to be held harmless from losing their gamble.

Now, I want to get them their money back, if we can possibly do it. It is perhaps unfortunate that U.S. officials did not disabuse the Pakistanis of the hope that making those payments would put pressure on the United States to reverse the Pressler sanctions and deliver the planes. But that is no reason to turn that hope into reality right now.

Mr. President, there have been a number of milestones in the United States-Pakistan nuclear relations. The background of this arms transfer scheme can be summarized by recalling a sequence of some 10 milestones in the history of our nonproliferation efforts in Pakistan. I guess milestone 1 would involve those waivers and favors. Throughout the 1980's, officials from the executive branch assured Congress and the American taxpayers that billions of dollars in aid that we shipped to Pakistan throughout that decade would shore up Pakistan's security and thereby act as a substantial break on Pakistan's nuclear program.

Mr. President, I ask unanimous consent to insert at the end of my remarks a list of no less than 20 such assurances to Congress.

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

(See exhibit 1).

Mr. GLENN. To get this aid to Pakistan, Congress had to create some special waivers for the President to invoke, discriminatory waivers tailored exclusively on Pakistan's behalf. There was a waiver of our uranium enrichment sanctions on February 10, 1982, just for Pakistan. There was a waiver of our plutonium reprocessing sanctions on the same day, February 10, 1982, just for Pakistan. There was another waiver of our uranium enrichment sanctions on January 15, 1988, just for Pakistan. There was a waiver of a nuclear procurement sanction on the same day, January 15, 1988, just for Pakistan.

There was a waiver of our uranium enrichment sanctions on March 28, 1990, just for Pakistan.

There were waiver authorities of uranium enrichment sanctions that Congress created but which fortunately were not exercised by the President on November 5, 1990, October 6, 1992, and September 30, 1993, once again, just for Pakistan.

So much for the discrimination in United States policy, as though we are picking on Pakistan.

By this record, the United States has unquestionably and shamelessly discriminated on behalf of Pakistan where American law was concerned. The next time I hear much complaint about the fact that the Pressler amendment only refers to Pakistan, I can only wonder what has happened to our memory about these waivers and about our appreciation for that history.

The future of this great Republic depends upon our Nation's ability to learn from, not ignore, its experiences. I am tired of discrimination—all discrimination—but most especially discrimination in favor of proliferation. Of all the arguments that have been levied against the Pressler amendment, I have never heard anyone accuse it of being in favor of proliferation. That is more than I can say about the current proposal.

Milestone 2, we title this "Those Peaceful Nuclear Assurances."

Officials from Pakistan, meanwhile, lost no effort in blanketing our Capital with a blizzard of peaceful nuclear assurances. My staff assembled an impressive collection of over 70 of these promises, assurances, pledges and other offerings intended to reassure America that Pakistan was not just taking our aid and proceeding with its bomb, which is, of course, exactly what Pakistan was doing.

Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks a collection of these assurances that was compiled by Michelle Fraser, an intern with the Committee on Governmental Affairs.

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

(See exhibit 2.)

Mr. GLENN. Mr. President, I recall hearing the testimony of the State Department's Under Secretary James L. Buckley before the Nonproliferation Subcommittee of the Committee on Governmental Affairs back on June 24, 1981. He stated:

> I was assured by the ministers, I was assured by the President himself that it was not the intention of the Pakistani Government to develop nuclear weapons.

Mr. Buckley went on to argue how new United States aid would act to curb Pakistan's nuclear ambitions. Recall that at the time those remarks were spoken, very few commentators or analysts were claiming that Pakistan was a de facto nuclear weapons state. Pakistan did not have bomb-grade uranium from its unsafeguarded enrichment plant at Kahuta. News reports had not yet circulated that China had provided a design of a nuclear weapon to Pakistan along with other nuclear assistance. We had seen virtually nothing about Pakistan engaging in high-explosive testing of components of nuclear weapons.

Pakistan had no fleet of F-16 aircraft which could potentially be used as a delivery system for nuclear weapons. No, indeed, all the above came only after or during the massive flow of aid to Pakistan through the 1980's.

Despite this record, we are hearing today some of the same old recycled arguments: Provide aid and it will buy us influence. Some people just refuse to believe that what Pakistan really wants is both its bomb and our aid.

Milestone No. 3 we can title "Proliferation Unbounded." By the mid-1980's, the situation was really getting out of hand. Everybody knew that Pakistan's bomb program was rolling right along. This aid included substantial quantities of military assistance, even F-16 aircraft, that were quite suitable for use in delivering nuclear weapons.

To illustrate the scope of the progress Pakistan was making on its bomb as we continued providing aid, Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks a chronology showing how bad the problem was.

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

(See exhibit 3.)

Mr. GLENN. Mr. President, the record is thus quite clear. There was a direct positive relationship between the flow of United States aid and the progress of Pakistan's bomb program, not the negative relationship that the executive repeatedly assured Congress would exist.

Milestone No. 4, "Congress Steps In." By 1985, Congress justifiably had enough. With the agreement of the executive and even the Pakistani Government, we passed a law known as the Pressler amendment to set some ground rules to permit the resumption of aid to Pakistan.

That is overlooked, as my colleague Senator PRESSLER said on the floor just a while ago; that the Pressler amendment was supposed to set some ground rules to permit resumption of aid to Pakistan. First, Pakistan must not possess a nuclear explosive device, however; and second any new aid must reduce significantly the risk that it will possess such a device.

Note how far the current legislative proposal departs from these responsible standards. Not only does the proposal call for resuming full economic aid and significant new arms deliveries to Pakistan despite its failure to satisfy the nonpossession standard, but the aid is supposed to be provided even if it has no effect whatsoever upon reducing the risk of Pakistan getting the bomb. For those who truly care about nonproliferation, this is truly a lose-lose proposition. Where is the beef? There is no beef.

This brings me to milestone 5, the issue of the certifications that Pakistan did not possess the bomb. I guess we could title milestone 5, "From Red Line to Elastic Clause."

In the late 1980's, Pakistan crossed several additional red lines toward acquiring the bomb. Even its top nuclear scientists boasted in 1987 that Pakistan already possessed the bomb, and somehow Pakistan kept receiving its annual certification that it did not possess. As for the executive's approach to the word "possess" through that period, I am reminded of a quote from a character in Lewis Carroll's "Through the Looking Glass:" "When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean, neither more or less."

That is where we find ourselves in regard to defining the word "possess." It can mean so many different things.

There comes a time when we need to hold the line against the temptation of our officials to redefine terms of law for diplomatic convenience. As for the possession standard, fate would soon catch up with Pakistan.

Milestone 6, "A Nuclear Near Miss." In the summer of 1990, Pakistan almost engaged in a nuclear exchange with India. If any of my colleagues are skeptical about the relevance of nuclear weapons proliferation in South Asia to United States national security, I strongly recommend they read Seymour Hersh, in an article published in the New Yorker on March 29, 1993, aptly entitled "On the Brink of Nuclear War: How Pakistan Came Close to Dropping the Bomb—And How We Helped Them Get It."

This article is, incidentally, also a good candidate of the eccentricities of our system for enforcing export controls. The article describes a 1986 United States undercover operation to stop yet another planned Pakistani purchase of United States nuclear-related material. According to Hersh:

> The State Department's Near East Bureau was not told of the planned operation, for fear that the officers there would tip off the Pakistanis, as they had done in the past, by sending a diplomatic protest (known as a demarche) to the Pakistani Government.

Though the operation ultimately led to the highly publicized arrest of Mr. Arshad Z. Pervez in July 1987 on charges of trying illegally to buy 25 tons of special steel used in Pakistan's uranium enrichment program, it was surely not due to much help from the regional experts in the State Department. In a statement related directly to our subject today, one nonproliferation official told Hersh in the article that.

> "The only thing we had going for us. . .was the Pressler and Solarz amendments."

Such accounts of our export control process only further reinforce my opposition to the scheme offered in the recent State authorization bill to abolish the Arms Control and Disarmament Agency and transfer all of its functions to the State Department, in effect, making State the new nonproliferation czar.

Fortunately, there do appear to be some individuals left in Government, as indicated in the last quote, who treat the Pressler amendment as a useful tool rather than an obstacle to be circumvented.

Milestone 7, "Judgment Day." By October 1, 1990, even the State Department lawyers had enough and finally ran out of words to explain why Pakistan deserved its annual nuclear certification. President Bush decided not to renew Pakistan's nuclear meal ticket. The time had finally come for proliferation to start costing something.

Milestone 8, "New Nuclear Assurances, This Time to Congress." Since 1990, representatives from both the Bush and Clinton Administrations have sought to repeal the Pressler amendment—these representatives promised Congress, in writing and repeatedly, that even if the Pressler amendment were repealed, rest assured, it would remain the policy of the United States to require Pakistan to satisfy the Pressler standards. Furthermore, Congress was assurred by the Executive that when it came to licensing commercial arms sales, we would never, never, never approve any "upgrades" to existing military capabilities in Pakistan.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a few samples of these assurances.

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

CONDITIONS FOR RESUMING ECONOMIC AID TO PAKISTAN: A HISTORICAL REVIEW OF EXECUTIVE BRANCH ASSURANCES TO CONGRESS

April 12, 1991: President Bush sends a letter to Congress accompanying the Administration's "International Cooperation Act of 1991"—the letter acknowledges an intent to repeal the Pressler Amendment, but reassures Congress that: "I will continue to insist on unambiguous specific steps by Pakistan in meeting nonproliferation standards, including those specifically reflected in the omitted language, known as the Pressler Amendment. Satisfaction of the Pressler standard will remain the essential basis for exercising the national interest waiver that is in the Administration's proposal in order to resume economic and military assistance to Pakistan."

November 24, 1993: State Department spokesman Michael McCurry says that: ". . . as a matter of administration policy, we will continue to apply Pressler standards" to Pakistan.

November 25, 1993: Assistant Secretary of State Wendy Sherman is quoted as having said in a letter to Congress accompanying the Clinton Administration's new foreign assistance bill that: "The absence of any country-specific language in this draft should not be interpreted as constituting a change in U.S. policy toward any country."

November 26, 1993: After the Clinton Administration introduced its new foreign aid legislation would repeal the Pressler Amendment, the State Department issued the following statement: "Even if a new foreign assistance act without specific language on Pakistan were passed, we would continue to apply Pressler standards to Pakistan."

November 30, 1993: State Department spokeswoman, Christine Shelley, tells reporters that despite the Administration's efforts to drop the Pressler Amendment, ". . . satisfaction of the Pressler standard will remain the essential basis for exercising any national interest waiver and for resuming economic and military assistance, including any decision by the U.S. Government to sell or transfer military technology to Pakistan . . . What we have indicated is that Pakistan would continue to be subject to sanctions along the lines of the Pressler amendment under the administration's new proposal."

Mr. GLENN. Just as the United States expects Pakistan to comply with its nuclear assurances, I think it is fair for the Congress to insist on the Executive honoring its own assurances to Congress when it comes to implementing our nuclear nonproliferation policy.

Milestone 9, "Some Early Signs of Restraint." Although Pakistan's bomb program is no doubt continuing, and it is indeed maintaining its nuclear and missile cooperation with China, it may have also acted to halt production of highly-enriched uranium I would like to inform my colleagues today that this is the most significant restraint I have seen in some 15 years in Pakistan's nuclear program—the bad news is that Pakistan's bomb program has not disappeared from the face of the earth, the good news is that it is not expanding as rapidly as we once thought, and the news which most Americans will probably be most gratified to hear is that this first demonstration of genuine nuclear restraint by Pakistan did not cost the American taxpayer a red cent—it is due entirely to the effect of the Pressler amendment. This is the law that detractors continue to tar as having been "ineffective" or "inflexible."

Supporters of the Pressler amendment make no apologies about standing up for this "inflexible" law. After all, my dictionary defines this term as follows, ". . . of an unyielding temper, purpose, will, etc." To supporters of nonproliferation generally, the alternative of "passive accommodation" has little attraction indeed. Thus we have no quarrel with the charge that the Pressler amendment has been inflexible. Let us be glad it has.

Unfortunately, this term is not quite accurate, given the significant flexibility that the law has shown in recent years to allow the following to occur in spite of Pakistan's continued violations of that law: First, the United States still issues licenses to export commercial munitions and spare parts to Pakistan, including spares for Pakistan's nuclear-weapon delivery vehicle, the F-16; second, United States military visits and joint training exercises continue to take place; third, United States aid with respect to agriculture, counterterrorism, nutrition, population control, literacy, advancement of women, health and medicine, environmental protection, disaster relief, and many other areas can continue to flow to Pakistan via nongovernmental organizations; fourth, the Export-Import Bank also has extended loans, grants, and guarantees to Pakistan; fifth, PL-480 agricultural aid continues; sixth, arms control verification assistance continues (a seismic station); seventh, millions of dollars of aid in the "pipeline" as of October 1990 was allowed to flow to Pakistan; eighth, cooperation on peacekeeping is continuing; and ninth, Pakistan continues to receive billions of dollars in development assistance via multilateral lending agencies.

Also under this so-called inflexible law, Pakistan has used almost $200 million in FMS credits to fund the purchase of 11 F-16's between fiscal years 1989 and 1993, of which about $150 million were used after the Pressler sanctions were invoked. And the United

States continues to review and license exports of dual-use goods and technology to Pakistan.

Milestone 10, "Today's Debate." Which brings us here today: a milestone of its own in the history of United States efforts to grapple with Pakistan's bomb. It is not so much a milestone as a crossroads—do we stand up for a strong nonproliferation policy, or do we tell Pakistan and the rest of the world that proliferation pays, in a big way?

Here we stand, debating a proposal which I think is appropriate to call, "Operation Deja Vu"—a scheme to ship, under the false flags of "fairness" and helping out an old friend, several more hundred million dollars of military equipment to Pakistan. Who knows, the argument goes, it may even lead to some sentiment of good will that may someday serve the cause of nonproliferation. There never was a better illustration a policy based on a triumph of hope over experience, than there has been with respect to United States policies toward Pakistan's bomb.

Why in the world, given the chronology I have just reviewed, should any one Member of this August Chamber believe for a single moment that the delivery of this lethal military gear will have any effect whatsoever on restraining Pakistan's bomb program? Why should we be unconditionally lifting all economic sanctions on Pakistan? Has anybody really even considered the signal such a gesture would send to proliferators around the world?

This gear that we would transfer under this proposal is, by the way, not only lethal, but it could well trigger a regional arms race that would destabilize the whole balance of power in South Asia. The Indian government has already said it would not simply stand by and watch hundreds of millions of dollars in new military gear flow from the United States to Pakistan. We are talking about delivering upgrades for Pakistan's nuclear weapon delivery vehicles. Upgrades for Cobra helicopters. Additional P-3 antisubmarine aircraft. All kinds of tactical missiles: Harpoons, AIMs, TOW's, and battlefield rockets. Over a quarter billion dollars' worth of such items. To say the shipment of these goods will have no political or military consequences in South Asia is simply wrong. But the proposal does not only address new military transfers.

It is the unconditional lifting of economic sanctions, also. The proposal would also lift unconditionally all economic sanctions against Pakistan under the Pressler amendment, even though Pakistan is still in violation of that amendment. It seems reasonable that before we rush off to provide United States Government guarantees for private loans to Pakistan, we should surely first take a close look at the potential risks and costs that will be borne by the American taxpayer who will, under the current proposal, underwrite those hundreds of millions of dollars in private United States investment in Pakistan—a country whose once-impressive leading city is now virtually off-limits to foreign visitors because it has become a battleground of urban terrorism. Editorials in Pakistani newspapers are themselves asking if Pakistan can survive in such a climate of domestic unrest.

Economic aid might also not quite be the peaceful activity that some might believe it is. For years, our intelligence experts have been aware of the potential role that economic assistance can play in assisting a country to acquire the bomb. Then-CIA Director James Woolsey, for example, stated the following in a written reply to a question after a hearing of the Governmental Affairs Committee on February 24, 1993:

> Loans and grants from both bilateral and multilateral aid agencies free money for Pakistan to spend on its nuclear program . . . these untied funds helped finance civilian imports, freeing an equivalent amount of funds to spend on the nuclear program.

No, unconditionally lifting economic sanctions on Pakistan is not a neutral benign act. It is an action that conflicts with, rather than promotes, our nonproliferation goals. Providing such assistance will not give Pakistan a free market. It surely does not have such a market today. Indeed, the Heritage Foundation recently issued a survey called "The Index of Economic Freedom" which placed Pakistan's market in the category, "Mostly Not Free." As for foreign economic aid, here is what the study had to say about past aid to Pakistan:

> Much of this aid has been squandered in economically useless projects, and Pakistan has been unwilling to adopt significant economic reforms.

Yet proponents of lifting economic sanctions still seem to believe—despite both facts and reason to the contrary—that this is a great idea. That it will serve our economic interests. That it will discourage proliferation.

All of this I feel is utter nonsense. The aid will only inspire the flow of American tax dollars out of the wallets of U.S. citizens to a country determined to have both the bomb and U.S. aid. I think that is the wrong course to go.

Now to look at the F-16's for a moment.

I have examined the list of items that would be shipped off to Pakistan under this proposal and find that it actually includes upgrades—that is right, reliability upgrades—to the engines for Pakistan's F-16 nuclear weapon delivery vehicles. So here we are, waving our finger at Pakistan's bomb program, while bending over backward to assist Pakistan directly to deliver such weapons. With due respect to my colleague from Colorado and to a few offices in the Executive who support this scheme, there is simply no justification for such a transfer that serves our nonproliferation interests. None.

I have heard it often said that basic "fairness" requires us to deliver this equipment since Pakistan already "paid" for it.

What exactly did Pakistan actually pay for? Pakistan surely did not pay cash for all of these goods—a good part of their purchases were financed by United States taxpayers by means of foreign military sales credits, many of them, by the way were used well after sanctions came into effect in October 1990. All of the P-3 aircraft that Pakistan wants to use for antisubmarine operations, for example, had an FMF funding source. In February 1994, I regret to report, Pakistan engaged in joint naval exercises with Iran—by at least one account, P-3 aircraft were used in those exercises. Why are we even considering shipping antisubmarine aircraft to a country that engages in joint military exercises with a terrorist state—not just any run-of-the-mill terrorist state, but a terrorist state that our own Secretary of State has declared is pursuing a crash program to acquire nuclear weapons?

The proposal would also upgrade Pakistan's Cobra helicopters—evidently abandoning our current policy of not upgrading Pakistan's military capabilities. This assistance too is funded by FMF credits. How about tactical missile systems? The Harpoon antiship, TOW missiles, AIM-9L air-to-air missiles, and 2.75-inch rockets in this little package are also funded via the FMF route—presumably these missiles are not exclusively for peaceful purposes, except perhaps by Pakistan's definition of the phrase.

Even many of the engine upgrades for Pakistan's F-16 nuclear weapon delivery vehicle were paid for using FMF money. Eleven of the twenty-eight F-16's that Pakistan ordered, but which could not be delivered due to Pakistan's noncompliance with the Pressler amendment, were financed with FMF money. Recall that of the $199 million available in FMF credits for the eleven planes, Pakistan used only a quarter of these credits by the time sanctions were invoked in October 1990. They used the remaining three-quarters after sanctions were in place. As for the remaining 17 planes, they were paid for in cash—of these payments, however, over $600 million out of a total $658 million were paid by Pakistan after sanctions were invoked in October 1990. In short, they were paying for planes they knew they were not qualified to receive.

Besides the issue of money, why should we help Pakistan to improve its nuclear weapon delivery capability? My staff has brought to my attention a

major study performed by Stanford University's distinguished Center for International Security and Arms Control in 1991 entitled, "Assessing Ballistic Missile Proliferation and Its Control." Here is what the Stanford study had to say about Pakistan's F-16's:

Pakistan is widely believed to have either already developed nuclear warheads or to be on the brink of acquiring them. Pakistani F-16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy.

Now that quote is significant enough to leave little doubt about the capabilities of this aircraft; indeed, they are nuclear-capable in our own inventory. But it is also interesting that at least three officials of the current administration, including Secretary of Defense Perry, were listed as participants in that study.

I am reminded also of a passage from Seymour Hersh's article in the March 1993 issue of the New Yorker. Writing about the near nuclear war between Pakistan and India in 1990, Hersh writes:

The American intelligence community noticed an intense increase in Pakistani radar activity early in the year. Earlier reports showed that the Pakistani Air Force, working closely with officials from Pakistan's nuclear-weapons program, had stepped up its F-16 training to practice what seemed to be the dropping of a nuclear bomb. Further intelligence, from Germany, reported that the Pakistanis had designed a nuclear warhead that could be fitted under the wing of an F-16, and that the design had gone through a series of wind-tunnel tests. Pakistan was also reported to have learned to program its in-flight computer system to provide the correct flight path for a nuclear-bomb run.

I ask unanimous consent that several quotes relating to Pakistan's F-16's be printed at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. GLENN. So now we are discussing shipping over some more spare parts for these nuclear weapon delivery vehicles. Here is what Pakistan's federal minister for defense production, Mir Hazar Khan Bijarani, said in an interview in 1992 concerning the various ways the Pressler amendment has been interpreted with respect to Pakistan's F-16's:

We did face tremendous problems in acquiring spare parts [for F-16's] after the suspension of U.S. military assistance, but now we have overcome this problem as the Americans have lifted [the] ban on commercial sales.

See how this works. First we relax commercial sales of spare parts for Pakistan's nuclear weapon delivery vehicles. And now, here we are debating whether to provide on a government-to-government basis some gear to upgrade Pakistan's nuclear weapon delivery vehicles.

Let us not be blind to what we are proposing to do: after years of fighting for nuclear nonproliferation, the Congress under this proposal would put on the statute books America's first nuclear proliferation law. Rest assured, if this proposal passes, America will not be the only country with other nuclear proliferation laws on their own books. The race will be on to cash in on proliferation, rather than to prevent it. This is an extremely dangerous course and one which the Congress should summarily reject as contrary to the national security interests of the United States. It is an embarrassment to this legislature even to be debating this extremely ill-advised scheme.

WHAT IS FAIR?

I must come back to the basic question: what exactly is fair? Is it fair for Pakistan to have given the United States solemn assurances that it proceeded to break with impunity?

Recently, Prime Minister Bhutto declared during her recent visit to the United States that Pakistan had kept its contract with America. I will repeat this: that Pakistan had kept its contract with America.

Some of us might recall when Prime Minister Bhutto addressed a joint session of Congress back on June 7, 1989, when the Prime Minister solemnly stated the following:

Speaking for Pakistan, I can declare that we do not possess, nor do we intend to make a nuclear device. [Extended applause.] That is our policy.

Mr. President, that was Pakistan's contract with America. That is what United States taxpayers were being told about Pakistan's bomb program. It is that contract, I submit, that Pakistan has proven so utterly incapable of fulfilling. Yet here we stand, debating fairness. The absurdity of the proposal that is the focus of this debate simply defies description.

I read recently a statement from Mr. John Malott, then the interim director of the State Department's South Asia bureau, which appeared in an AFP wire service report on May 16, 1993. Here is what Mr. Malott had to say about the fairness issue:

We kept our part of the bargain but Pakistan let us down by crossing the line in 1990 . . . we had promised Pakistan billions and billions of dollars if that line was not crossed.

So much for what is fair. Mr. Malott, put it exactly right: Pakistan broke its contract with America. It is now paying a price that should only go up with time, not down. To lower the price of proliferation is to condone proliferation. That is not our policy. That is not our domestic law. That is not at all consistent with our solemn international treaty commitments. That is how we should want other countries to treat proliferants.

Mr. President, I want to restate very briefly the theme I used in starting out. This is not about fairness. We have been fair. Pakistan has been unfair with us.

The issue here is, are we serious about nonproliferation in the world? Are we a world leader in nonproliferation or are we not? Do we have a proliferation policy or is it one that only comes out for press conference purposes or at time of political campaigns?

We took the lead in getting 178 nations to sign the nonproliferation treaty. They put their trust in us. They also trusted that there would be sanctions against people who were not willing to cooperate, if they were egregious violators of what we thought was right.

We have seen Pakistan be the most egregious violator. We have seen them be uncooperative with regard to nuclear matters. They have not joined NPT. They have not gone by NPT rules. They have violated every norm of diplomatic behavior in telling us things that were not true and that we knew were not true. I do not think that kind of mendacity should be rewarded by sending the material that is proposed by the amendment.

These have been nothing but untruths told to us through the years, over and over again. I will not read those off again. It seems to me, if we are to deserve the trust of the nations that signed up under NPT and followed our leadership, then I believe we must refuse to approve this amendment. I know the Senator from California will have a proposal in the morning for a substitute amendment and we will look at it in the morning and see whether we feel we can support it or not. But as for the amendment we are debating tonight, it is one I just cannot support and I urge my colleagues not to support it.

EXHIBIT 1

U.S. AID POLICIES AND PAKISTAN'S BOMB: WHAT WERE WE TRYING TO ACCOMPLISH?

Letters to Congress from Presidents Reagan & Bush, 1985-1989, required under Sec. 620E(e) of Foreign Assistance Act (Pressler Amendment):

"The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives."—President George Bush, 10/5/89; President Ronald Reagan, 11/18/89; 12/17/87; 10/27/86; & 11/25/85.

President George Bush, letter to Congress (addressed to J. Danforth Quayle as President of the Senate), 12 April 1991, urging abandonment of Pressler certification requirement:

". . . my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law."

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House subcommittee, 2 August 1989:

"None of the F-16's Pakistan already owns or is about to purchase is configured for nuclear delivery . . . a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability."

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House subcommittee, 2 August 1989:

"Finally, we believe that past and continued American support for Pakistan's conventional defense reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold."

Deputy Assistant Secretary of State Robert Peck, testimony before House subcommittee, 17 February 1988:

"We believe that the improvements in Pakistan's conventional military forces made possible by U.S. assistance and the U.S. security commitment our aid program symbolizes have had a significant influence on Pakistan's decision to forego the acquisition of nuclear weapons."

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 22 October 1987:

"We have made it clear that Pakistan must show restraint in its nuclear program if it expects us to continue providing security assistance."

Assistant Secretary of State Richard Murphy, testimony before Senate subcommittee, 18 March 1987:

"Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimate security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimata would in our view decrease, not increase our ability to continue to make a contribution to preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition."

Deputy Assistant Secretary of State Howard Schaffer, testimony before House subcommittee 6 February 1984:

"The assistance program also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a program of support which enhances Pakistan's sense of security helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The Government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosive device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device."

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 1 November 1983:

"By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country's confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego [sic] nuclear arm...We believe that strengthening Pakistan's conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance program."

Statement by Deputy Assistant Secretary of State Harry Marshall, 12 September 1983, before International Nuclear Law Association, San Francisco.

"U.S. assistance has permitted Pakistan to strengthen its conventional defensive capability. This serves to bolster its stability and thus reduce its motivation for acquiring nuclear explosives."

President Ronald Reagan, Report to Congress pursuant to Sec. 601 of the Nuclear Nonproliferation Act ("601 Report"), for calendar year 1982:

"Steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country's security needs and thereby reducing any motivation for acquiring nuclear explosives."

"President Ronald Reagan, Report to Congress pursuant to Sec. 601 of the Nuclear Nonproliferation Act ("601 Report"), for calendar year 1981:

"Military assistance by the United States and the establishment of a new security relationship with Pakistan should help to counterpart its possible motivations toward acquiring nuclear weapons...Moreover, help from the United States in strengthening Pakistan's conventional military capabilities would offer the best available means for counteracting possible motivations toward acquiring nuclear weapons."

Assistant Secretary of State James Malone, address before Atomic Industrial Forum, San Francisco, 1 December 1981:

"We believe that this assistance—which is in the strategic interest of the United States—will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives.

Undersecretary of State James Buckley, testimony before Senate Foreign Relations committee, 12 November 1981:

"We believe that a program of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability. With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor in its broader interest as an important member of the world community."

Testimony of Undersecretary of State James Buckley, in response to question from Sen. Glenn, Senate Foreign Relations Committee, 12 November 1981, on effects of a nuclear detonation on continuation of cash sales of F-16's:

"[Sen. Glenn]... so if Pakistan detonates a nuclear device before completion of the F-16 sale, will the administration cut off future deliveries?

"[Buckley] Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale."

Undersecretary of State James Buckley, letter to NY times, 25 July 1981:

"In place of the ineffective sanctions on Pakistan's nuclear program imposed by the past Administration, we hope to address through conventional means the sources of insecurity that prompt a nation like Pakistan to seek a nuclear capability in the first place."

EXHIBIT 2

PAKISTAN'S PEACEFUL NUCLEAR ASSURANCES: 1979–1995

"[Pakistan's government has] . . . summarily rejected as false the charge that Pakistan was developing its nuclear program with assistance from or in partnership with Libya or any other country."—Pakistani Foreign Ministry Spokesman, NY Times, 4/9/79.

"Pakistan has not sought or obtained financial assistance from Libya or any other country for its nuclear program."—Pakistan Embassy, Pakistan Affairs, 6/16/80.

"Pakistan's nuclear development programme is solely for peaceful purposes and it has no plans to make nuclear weapons."—Qutubuddian Aziz, Pakistan Embassy in UK, London Sunday Times, 2/1/81.

"I was assured by the ministers, I was assured by the President [Zia] himself that it is not the intention of the Pakistani Government to develop nuclear weapons."—Under Secretary of State James Buckley, congressional hearing, 6/24/81.

Senator JOHN GLENN. ". . . is it your view that we should go ahead with the arms sale to Pakistan without assurances that they are not in a [nuclear] weapons production mode?"

Under Secretary BUCKLEY. "That assurance was given . . . by the Pakistani government."—Under Secretary of State James Buckley, congressional hearing, 6/24/81.

"I say that Pakistan's nuclear technology will not be given to any other nation. We will work, we will borrow, and we will beg for this technology. God willing we will never pass it to any other nation."—President Zia-Ul-Haq, interview published in Turkish Hurriyet, 11/25/81.

"You know, Pakistan is engaged and will strive to acquire nuclear technology for peaceful purposes. But Pakistan has neither the capability nor the intention of making an atomic bomb . . . in no circumstances."—President Zia-Ul-Haq, after meeting with President Mitterrand, Reuters, 1/26/82.

"We, too, are engaged in a nuclear programme, with the sole aim of finding a viable alternate to the traditional sources of energy, which are in scarce supply in Pakistan. Despite our repeated assurances, however, there has been an orchestrated campaign to malign us by falsely attributing to our peaceful programme a nonexistent military dimension."—President Zia-Ul-Haq, address at US National Press Club, 12/8/82.

"The Pakistan side reiterated that Pakistan was not interested in the manufacture or acquisition of nuclear weapons. . . . We accept that the President of Pakistan is telling us the truth."—U.S. official, after meeting between Presidents Zia and Reagan, NY Times, 12/8/82.

"[President Zia] . . . stated very emphatically that it is not the intention of Pakistan to develop nuclear weapons and that it is not doing so."—Sen. Charles McC. Mathias, Washington Post, 12/8/82.

". . . I would like to state once again, and with all the emphasis at my command, if I have that, that our on-going nuclear programme has an exclusively peaceful dimension and that Pakistan has neither the means nor, indeed, any desire to manufacture a nuclear device. I thrust [sic] that this distinguished gathering will take note of my assurance, which is given in all sincerity and with a full sense of responsibility."—President Zia-Ul-Haq, address before Foreign Policy Association, 12/9/82.

"In our opinion, there is no such thing as a peaceful [nuclear] device or a nonpeaceful device. It's like a sword. You can cut your throat; you can save yourself. We are planning neither."—President Zia-Ul-Haq, Meet the Press, 12/12/82.

". . . I hereby certify that I have reliable assurances that Pakistan will not transfer sensitive United States equipment, materials, or technology in violation of agreements entered into under the Arms Export Control Act to any communist country, or to any country that receives arms from a communist country."—President Ronald Reagan, Presidential Determination 83-4, 1/3/83.

"The Government of Pakistan understands our deep concern over this issue [Pakistan's pursuit of nuclear weapons]. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosives device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device."—Deputy Assistant Secretary of State Howard Shaffer, congressional testimony, 2/6/84.

"I must make one thing absolutely clear: contrary to the mischievous foreign propaganda, no foreign country has given financial or technical aid to us in this [nuclear] field . . . The 'Islamic bomb' is a figment of the Zionist mind . . .".—Dr. Abdul Qadeer Khan, Pakistan's top nuclear scientist, interview published 2/10/84.

"Pakistan has stated time and again that it has absolutely no intention of using nuclear technology for military purposes."—President Zia-Ul-Haq, address on 7/10/84.

"Pakistan does not deny that it has a research and development program on uranium enrichment at Kahuta. But it is of a modest scale and is designed entirely for acquiring technology to meet Pakistan's future power generation requirements based on light water reactors . . . Pakistan has no team for designing nuclear weapons . . . Pakistan has never used Turkey as a channel for the import of materials from French or West German companies. Nor has it imported uranium from Libya . . . It was established long ago that Libya was not giving Pakistan any assistance for its nuclear program. Similarly, the allegation of Saudi help is also without foundation. For its non-existent nuclear weapons program Pakistan has neither sought nor has it received assistance from China."—Information Division, Embassy of Pakistan, July 1984.

"We have repeatedly declared that our nuclear energy program has an exclusively peaceful dimension and that we have no intention of acquiring or manufacturing nuclear weapons . . . The allegation of any nuclear cooperation between Pakistan and China has been rejected by both countries . . ."—Foreign Minister Sahabzada Yaqub Kahn, Islamabad, 7/28/84.

"We are now approaching the end of 1984, but the dread explosion of imaginary Pakistani nuclear device is nowhere in sight. What could be a more convincing proof of the sincerity of Pakistan's repeated assurances that its program is not weapon-oriented?"—Iqbal Butt, Minister of Information, Embassy of Pakistan, Washington Post, 8/30/84.

"I have no fears at all that [American] aid will be stopped. The relationship is based on trust and I have said we are not building a nuclear bomb."—President Zia-Ul-Haq, interview with AP, 8/12/84. (Pakistan Affairs, 9/1/84).

"As we have repeatedly stated, we have assurances from the Pakistani government that its nuclear power program is entirely peaceful in intent and that it does not seek to acquire nuclear explosives of any kind."—State Department spokesman John Hughes, quoted by AP, 10/25/84.

"We accepted President Zia-Ul-Haq's categorical statement that Pakistan's nuclear program is devoted entirely to power generation."—US Ambassador at Large Richard Kennedy, 11/2/84, in Pakistan Affairs, 12/1/85.

"US officials say the letter [from President Reagan to President Zia] warned Zia not to process uranium at the controversial Kahuta plant outside Islamabad beyond 5 per cent enrichment . . . Zia's letter [of reply] gave assurances that Pakistan would respect the new marker . . . Other markers previously communicated to Pakistan include not testing a bomb, not reprocessing plutonium . . . not assembling a bomb, and not asking another country to test a device on Pakistan's behalf . . ."—Simon Henderson, London Financial Times, 12/7/84.

". . . our [nuclear] programme is for our own resources to be generated. It is not for any atomic bomb or any other purpose."—Prime Minister Mohammad Khan Junejo, interview, 6/14/85.

"The Government of Pakistan and its President have repeatedly declared that Pakistan would not produce nor acquire nuclear weapons, and that our research programme is for purely peaceful purposes."—Ali Arshad, Embassy of Pakistan in UK, London Times, 9/27/85.

"I take this opportunity to reaffirm Pakistan's policy of developing nuclear energy for peaceful purposes only and its irrevocable commitment not to acquire nuclear weapons or nuclear explosive devices. Pakistan has neither the capability nor the desire to develop nuclear weapons."—President Zia-Ul-Haq, Address before UN General Assembly, 10/23/85.

"As for the Kahuta laboratory, it has been clarified time and again at the highest political level that the modest exercise there in uranium enrichment is on a research and development scale. It is solely motivated by a desire to achieve a degree of self-reliance in the front end of the nuclear fuel cycle, that is, a 3-percent enrichment of uranium."—Leaflet from Information Division, Embassy of Pakistan, October 1985.

"Let me add here, Mr. Chairman, President Zia has, in fact, given the most unequivocal assurances on the question of a nuclear explosives program. He has stated there will be no such explosives program completed and that he understands fully the concerns which we have expressed to him and respects those concerns."—Ambassador Richard Kennedy, congressional testimony on 4/10/86.

"Dr. [Abdul Qadeer Khan] noted that President Zia ul-Haq had made a commitment to the U.S. not to enrich beyond 5 per cent and said "we are keeping to it."—Simon Henderson, interview with Dr. A.Q. Khan, Financial Times, 7/16/86.

"[Prime Minister Junejo reportedly assures U.S. senators that Pakistan is] . . . abiding by the guidelines" established by the U.S. and specifically that Pakistan is keeping components separate."—Don Oberdorfer, Washington Post, 7/17/86. [Oberdorfer wrote that Junejo appeared to be referring to Reagan's September 1984 letter asking Pakistan's to limit its uranium enrichment level at 5 percent, Oberdorfer added that "Earlier U.S. messages to Pakistan reportedly included a warning not to assemble components in a way that would create a bomb."]

"The prime minister [Junejo] confirmed that Pakistan pledged in response to a 1984 letter from Reagan not to enrich uranium in its nuclear facilities to a level higher than 5 percent."—Interview with Prime Minister Mohammad Khan Junejo, Washington Post, 7/18/86.

"Ours is a modest research programme. Its aim is to acquire fuel production capability for the reactors we need to meet our energy requirements. I reiterate here that Pakistan has no intention to produce nuclear weapons. We do not posses the capability and the resources."—Prime Minister Mohammad Khan Junejo, Foreign Policy Association, 7/21/86.

"[On U.S. concerns about Pakistan's bomb program] This matter has been raised between us and the United States for the last eight years. I have convinced them that we are using nuclear energy only for peaceful purposes."—President Zia-Ul-Haq, Interview, 8/23/86.

"President Reagan in late 1984 told Pakistani President Mohammed Zia ul-Haq in a top-secret letter that 5 percent would be the highest enrichment level acceptable to the United States."—Bob Woodward, Washington Post, 11/4/86.

"In an interview with the Post on July 18, [Prime Minister] Junejo confirmed that Pakistan had pledged, in response to a 1984 letter from Reagan, not to enrich uranium in its nuclear facilities to a level higher than 5 percent."—Washington Post, 11/5/86.

"Pakistan does not have and is not producing highly enriched uranium necessary for a nuclear explosive device . . . the enrichment level has remained well within limits of the research and development program for fuel."—Pakistani Foreign Secretary Abdul Sattar, Washington Post, 11/5/86.

"Pakistan has renounced for itself the military use of nuclear energy and has used this energy only in pecaeful fields."—President Zia-Ul-Haq, Interview, 1/29/87.

"A Foreign Office spokesman said in Islamabad today that Pakistan's nuclear program is of a peaceful nature and this fact has been proved during the last 6 or 7 years."—Karachi Domestic Service radio broadcast, 2/11/87.

Senator SASSER. "Have the Pakistanis pledged not to continue illegal purchases of nuclear equipment or technology from the United States?"

Ambassador RICHARD KENNEDY. "Yes sir, they have indicated which this is something which they understand is against the law and we have brought to their attention the law and its proscription."—Hearing, Senate Committee on Governmental Affairs, 2/25/87.

"As I so often publicly stated, Pakistan's enrichment research is solely aimed at the development of fuel-grade uranium for our future power reactors. The Government of Pakistan has made it abundantly clear that it has no desire to produce nuclear weapons."—Dr. Abdul Qadeer Khan, Pakistan's top nuclear scientist, NY Times, 3/2/87.

"The minister in charge for science and technology, Mr. Wasim Sajjad, categorically stated in the National Assembly today that Pakistan does not possess an atomic bomb,

has no desire to have a bomb, and it cannot afford to manufacture and atomic bomb."—Karachi Overseas Service broadcast, 3/5/87.

"No power on Earth can deter us from pursuing our peaceful nuclear program because our conscience is clear and our aim is peaceful."—Pakistani Minister of State for Foreign Affairs, Zain Noorani, AP, 3/9/87.

". . . we believe in nonproliferation, and our nuclear research is, therefore, devoted entirely to peaceful purposes . . . the president and prime minister of Pakistan have repeatedly expressed their commitment to nonproliferation . . ."—Pakistani Ambassador Jamsheed Marker, Washington Post, 3/1/87.

"We are not producing Atomic weapons nor intend to do so, but we shall continue to develop our nuclear capabilities for peaceful purposes no matter whether any of our friends likes it or not."—Pakistani Minister of State for Foreign Affairs, Zain Noorani, statement, 3/16/87.

". . . Pakistan has not enriched its uranium above the normal grade level required for peaceful purposes."—President Zai-Ul-Haq, Time, 3/23/87.

"Pakistan has neither the desire, nor the intention, nor the capacity to develop a nuclear weapon . . . We have the ability to enrich uranium, but only below 5 percent, so it can only be used for power generation." [The article continued: "Zia said he had made a written commitment to President Reagan that Pakistan would not embarrass the United States and he would not go back on this gentleman's agreement"]—Pakistani President Zia-Ul-Haq, Interview in Defense Week, 4/6/87.

President ZIA. "We are honorable people, and when President Reagan wrote this [a certification in October 1986 that Pakistan does not possess the bomb], I gave him my assurances. When Prime Minister Junejo visited the United States of America early this, last year, he gave him the same assurances. And we will give him the assurances, with the word, that Pakistan's word is to be honored . . ."

Mr. MCLAUGHIN. ". . . is it safe for him [Reagan] to say that . . . by giving you the aid, he is going to, in effect, discourage you from moving on to develop the nuclear bomb?"

President ZIA. "According to the American thinking, he is just, and perfect and correct."

Mr. MCLAUGHLIN. "What about Pakistani thinking?"

President ZIA. "Exactly the same, because we have no intention of developing a nuclear device."

Mr. MCLAUGHLIN. "How does it follow if he gives you the aid you will be disinclined to develop the bomb?"

President ZIA. "Why do you want to have a bomb? To ensure security, to create a deterrent, to have our own defensive means. If we have it otherwise, why should Pakistan indulge in the proliferation, against which Pakistan on principle is opposed to?"

Mr. MCLAUGHLIN. [Asks if Pakistan is building the bomb by just producing all the components without assembling them.]

President ZIA. "Nonsense. False. Totally false. When Pakistan does not have the intention or the urge and desire to have a nuclear device, why should we have——

Mr. MCLAUGHLIN. "Why is this development going on?"

President ZIA. "Our effort is only in the technical field, for peaceful purposes. They are just enriching uranium to a particular degree. That's all."—President Zia-Ul-Haq, McLaughlin "One on One," 6/15/87.

"No agency of the [Pakistan] government placed any order for this steel and no evidence has so far been brought to our knowledge that even any private company in Pakistan is responsible for this order."—Pakistani foreign office spokesman, commenting about a recent US Customs sting operation, UPI, 7/16/87.

". . . the Pakistan government has provided assurances both certainly in public as well as in private that it is not enriching [uranium] above 5 percent."—Deputy Assistant Secretary of State Robert Peck, congressional testimony, 7/22/87.

"Pakistan's verifiable compliance with [its] past commitments is vital to any further United States military assistance."—Text of S. Res. 266, passed the Senate by unanimous consent on 7/31/87.

"The time has come [for Pakistan] to choose. If it wants to build nuclear weapons, under US law, it cannot have US foreign assistance. It is time for the Government of Pakistan to take concrete action to bring its nuclear program in line with its assurances."—Sen. Robert Byrd, Congressional Record, 7/31/87.

"[In passing S. Res. 266 Congress was] . . . simply calling upon the Government of Pakistan to make good on promises which it has already extended in the past years."—Sen. Gordon Humphrey, Congressional Record, 7/31/87.

"[America and Pakistan] . . . share an overriding mutual interest that can best be promoted by Pakistan's decision to comply with this own stated policy for peaceful nuclear development."—Sen. Bill Bradley, Congressional Record 7/31/87.

"Pakistan must be made to understand that the United States is to keep its commitments."—Sen. Claiborne Pell, Congressional Record 7/31/87.

". . . It is essential at a minimum that our allies, and especially the recipients of US economic and military assistance, understand that the United States expects reasonable commitments concerning non-proliferation."—Sen. Jesse Helms, Congressional Record 7/31/87.

"Mr. Armacost [US Under Secretary of State] also stressed the importance of Pakistan's compliance, with their assurance not to enrich uranium about the five percent level."—State Department spokesman Charles Redman, press briefing, 8/10/87.

"We are enriching uranium in very small quantities, meant only for peaceful purposes."—Minister of State for Foreign Affairs, Zain Noorani, interview on 8/27/87.

"Pakistan, let me reiterate, is against the spread of nuclear weapons in South Asia."—Foreign Minister Yaqub Khan, speech in Islamabad, 9/1/87.

"The bogey of 'the Islamic bomb' was made up in countries that mean harm to Islam and Pakistan . . . We have neither the intention nor the capability to produce a nuclear weapon . . . Our [nuclear] technology has no military dimension . . . we have stated many times that we do not possess a bomb."—President Zia-Ul-Haq, interview published on 10/3/87 Jordan.

"I have said in that past that we are not manufacturing a bomb. We are using nuclear technology for peaceful purposes . . . [Pakistan and Turkey] are not cooperating on the manufacture of a bomb. The Jewish lobby is probably behind such reports."—President Zia-Ul-Haq, interview published on 10/4/87 in Turkey.

"We gave [the United States nonproliferation] commitments at an earlier stage and as an elected government I will only go further" [if India gives commitments also].—Prime Minister Mohammed Khan Junejo, interview in Washington Post, 10/13/87.

Ambassador KENNEDY. ". . . Pakistan has assured us that they were conducting their [nuclear] program wholly for peaceful purposes . . . they have told us that they are renouncing nuclear explosives of any kind . . . and as to their enrichment facility, they have indicated that it is devoted to producing material at low enrichment levels for peaceful purposes only . . . [and] they have indicated that they would not undertake any testing . . ."

Mr. SOLARZ. "Have they also given us some assurances that they are not and do no intend to enrich uranium over the five percent level?"

Ambassador KENNEDY. "The president [Zia] has stated that publicly . . ."

Mr. SOLARZ. "I have the impression that position is also being conveyed directly to President Reagan by President Zia."

Ambassador KENNEDY. "The same kind of statement . . ."

Mr. WOLPE. "Are they not continuing to enrich uranium beyond the 5-percent level . . . In blatant violation of their own expressed explicit commitment to President Reagan?"

Ambassador KENNEDY. "That may well be, and we are concerned about that, and it is precisely because of that, we are exerting all kinds of pressure on them."—Ambassador Richard Kennedy, congressional testimony, 10/22/87.

"Pakistan . . . is not for a nuclear device, and I can assure you we will not embarrass the U.S. by suddenly producing one . . . The truth is that we don't have a device and we are not building one . . ."—President Zia-Ul-Haq, interview published in Washington Time, 11/16/87.

"[Pakistan has neither] . . . the capability nor the intention" to produce nuclear weapons.—President Zia-Ul-Haq, interview published in Wall Street Journal, 12/1/87.

"In his interview . . . Zain Noorani reiterated that Pakistan's atomic program is totally peaceful and its objective is to make the country self reliant in energy resources by 2000 AD."—Minister of State for Foreign Affairs Zain Noorani, Islamabad Domestic Service broadcast, 1/9/88.

"I am aware of your abiding interest in and strong commitment to, nuclear non-proliferation. We share these concerns, for Pakistan has unequivocally committed itself to nuclear non-proliferation."—Letter from Pakistani Ambassador Jamsheed Marker to Sen. John Glenn, 1/20/88.

"The Pakistan government has not modified its position that its uranium enrichment activities are strictly peaceful and that it will not enrich uranium above the 5% level, nor has it given any new assurances with respect to its enrichment activities."—Deputy Assistant Secretary of State Robert Peck, congressional testimony, 2/17/88.

"In August [1984], President Reagan drafted a letter to Zia warning Pakistan not to cross 'the red line' of enriching uranium above 5 percent . . . the President's letter, sent on Sept. 12 . . . [warned] that if Zia crossed the 5 percent 'red line,' he would face unspecified 'grave consequences.' In November 1984 . . . President Zia gave written assurances to Reagan that the American limit would be respected."—Hedrick Smith, "A Bomb Ticks in Pakistan," NY Times Magazine, 3/16/88.

"Perhaps the [US] effort was to stop us from that enrichment program. Having seen that Pakistan has gone and succeeded, the

best thing now is to enjoy and relax." [Zia reportedly also stated that Pakistan does not have a nuclear weapon or a program to build one.]—President Zia-Ul-Haq, interview in Wall Street Journal, 4/26/88.

"Pakistan's commitment to nuclear nonproliferation is firm and unwavering . . . Pakistan does not possess nuclear weapons, nor does it intend to possess them. We have not carried out a nuclear explosion nor do we intend to conduct one. Our nuclear programme is emphatically peaceful in nature. Indeed, we are firm in our resolve to keep our area free from all nuclear weapons."—Pakistan's UN Ambassador S. Shah Nawaz, address before UN General Assembly, 6/13/88.

"Pakistan's nuclear programs are peaceful and do not represent a threat to any other nation in the region. Pakistan has repeatedly declared, at the highest levels of our government, that we do not possess, and have no intention of developing, a nuclear weapon."—Letter from Pakistani Ambassador Jamsheed Marker to Sen. John Glenn, 8/4/88.

"We don't want any controversy [with the US] on the nuclear issue . . . We want it clear beyond doubt that we're interested only in energy, not nuclear weapons."—Opposition leader Benazir Bhutto, Washington Post, 11/19/88, shortly before becoming Prime Minister.

"We believe in a peaceful [nuclear] program for energy purposes and nothing else."—Opposition leader Benazir Bhutto, interview in Time, 11/28/88.

"I can tell you with confidence that there is no bomb programme in Pakistan . . . There is no bomb programme . . . there is no bomb programme."—Prime Minister Benazir Bhutto, interview in Calcutta *Telegraph*, 12/14/88.

"We're committed to a peaceful energy program. We don't have any [nuclear] weapons policy . . . Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon."—Prime Minister Benazir Bhutto, interviewed on "McNeil/Lehrer," 12/16/88.

"Talking to a visiting American [congressional] delegation . . . President Ghulam Ishaq Khan stated categorically that Pakistan's nuclear program was designed purely for peaceful purposes and that Pakistan had no intention to build or acquire nuclear weapons."—Islamabad Domestic Services broadcast, 1/16/89.

"It is right to say that we are one of the 'threshold' states . . . We have deliberately chosen not to take the final step, to build a bomb and test it, because we don't think it is right."—Pakistani Ambassador Jamsheed Marker, quoted in Washington Times, 2/8/89.

"We manufactured small reactors and built nuclear power plants. However, we have never considered this for military purposes."—Minister of State for Defense Ghulam Sarwar Cheema, in Istanbul Hurriyet, 5/4/89.

"The Pakistan delegate, Mr. Mirza Javed Chauhan, told the [UN] Disarmament Commission that Pakistan does not possess nuclear weapons, nor does it have any intention to do so."—Islamabad Domestic Service broadcast, 5/10/89.

"Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy."—Prime Minister Benazir Bhutto, address before Joint Session of US Congress, 6/7/89.

". . . Bhutto promised during her visit that Pakistan will not produce 'weapons-grade uranium' . . . or take the final step to assemble a nuclear device."—Washington Post, 6/15/89.

"Pakistan has not, nor do we have any intention of putting together or making, a bomb, or taking it to the point where you can put it together."—Prime Minister Benazir Bhutto, New York Times, 7/10/89.

"Pakistani Prime Minister Benazir Bhutto on Sunday flatly denied speculation that her country is developing nuclear weapons. She said in an interview with a British television network that Pakistan will never possess such weapons in the future."—Reported by Kyodo News Service, 7/10/89.

"We do have the knowledge but I think there is a difference between knowledge and capability . . . So we do have a knowledge, if confronted with a threat, to use . . . But we do not in the absence of any threat intend to use that knowledge . . . In fact, as matter of policy my government is firmly committed to nonproliferation."—Prime Minister Benazir Bhutto, quoted by AFP, 8/29/89.

"It is true that Pakistan has certain knowledge in the nuclear field but it has no intention of using this knowledge . . . To put it another way, we do not want to convert this knowledge into—shall we say—a nuclear capability at the present time."—Prime Minister Benazir Bhutto, interview in Die Welt, as quoted by Reuters, 10/22/89.

"There was a [nuclear weapons] capability in 1989 when the present Government came to power, and that means we could have moved forward in an unwise direction . . . But we didn't. Instead, we froze the program."—Pakistani Foreign Secretary Shahryar Khan, NY Times, 2/8/92.

"We kept our part of the bargain but Pakistan let us down by crossing the line in 1990 . . . We had promised Pakistan billions and billions of dollars if that line was not crossed."—John Malott, interim director of State Department South Asia Bureau, AFP, 5/16/93.

"India is the nuclear delinquent in the region while Pakistan has always been exercising restraint . . . [Pakistan] does not possess a nuclear explosive device and does not intend to make one."—Pakistani Foreign Minister Assef Ahmed Ali, quoted in AFP, 11/28/93.

"We are a very responsible country, and we do not believe in the proliferation of nuclear weapons."—Pakistani Foreign Minister Assef Ahmed Ali, quoted in Washington Times, 8/25/94.

"I want to say categorically and finally that Pakistan has not made nuclear weapons . . . Pakistan does not intend to make nuclear weapons."—Pakistani Foreign Minister Assef Ahmed Ali, quoted in New York Times, 8/25/94.

"We have made a sovereign decision not to produce nuclear weapons."—Munir Akram, foreign ministry spokesman, Washington Times, 8/25/94.

"We have neither detonated one, nor have we got nuclear weapons . . . being a responsible state and a state committed to nonproliferation, we in Pakistan, through five successive governments have taken a policy decision to follow a peaceful nuclear program."—Prime Minister Benazir Bhutto, interview with David Frost on PBS, 11/18/94.

". . . Pakistan has not acquired the [nuclear-capable] M-11 or any other missile from China that violates the Missile Technology Control Regime . . .".—Press Release, Information Division, Pakistan Embassy, 7/27/95.

Senator BROWN. "Did we have an agreement with the Pakistani government that in return for the assistance we provided, that they would not develop nuclear weapons? Was that a condition for our cooperation with them in the late 1980's?"

Assistant Secretary RAPHEL: "The short answer to that is no. There was no such explicit agreement . . . there was no explicit quid pro quo there."—Testimony of Assistant Secretary of State Robin Raphel, South Asia subcommittee of Senate Foreign Relations Committee, 9/14/95.

EXHIBIT 3

FROM MYTH TO REALITY: EVIDENCE OF PAKISTAN'S "NUCLEAR RESTRAINT"

Early 1980's—Multiple reports that Pakistan obtained a pre-tested, atomic bomb design from China.

Early 1980's—Multiple reports that Pakistan obtained bomb-grade enriched uranium from China.

1980—U.S. nuclear export control violation: Reexport via Canada (components of inverters used in gas centrifuge enrichment activities).

1981—U.S. nuclear export control violation: New York, zirconium (nuclear fuel cladding material).

1981—AP story cites contents of reported U.S. State Department cable stating "We have strong reason to believe that Pakistan is seeking to develop a nuclear explosives capability . . . Pakistan is conducting a program for the design and development of a triggering package for nuclear explosive devices."

1981—Publication of book, Islamic Bomb, citing recent Pakistan efforts to contruct a nuclear test site.

1982/3—Several European press reports indicate that Pakistan was using Middle Eastern intermediaries to acquire bomb parts (13-inch "steel spheres" and "steel petal shapes").

1983—Recently declassified U.S. government assessment concludes that "There is unambiguous evidence that Pakistan actively pursuing a nuclear weapons development program . . . We believe the ultimate application of the enriched uranium produced at Kahufa, which is unsafeguarded, is clearly nuclear weapons."

1984—President Zia states that Pakistan has acquired a "very modest" uranium enrichment capability for "nothing but peaceful purposes."

1984—President Reagan reportedly warns Pakistan of "grave consequences" if it enriches uranium above 5%.

1985—ABC News reports that U.S. believes Pakistan has "successfuly tested" a "firing mechanism" of an atomic bomb by means of a non-nuclear explosion, and that U.S. Krytrons "have been acquired" by Pakistan.

1985—U.S. nuclear export control violation: Texas, Krytrons (nuclear weapon triggers).

1985—U.S. nuclear export control violation: U.S. cancelled license for export of flash x-ray camera to Pakistan (nuclear weapon diagnostic uses) because of proliferation concerns.

1985/6—Media cites production of highly enriched, bomb-grade uranium in violation of a commitment to the U.S.

1986—Bob Woodward article in Washington Post cites alleged DIA report saying Pakistan "detonated a high explosive test develop between Sept. 18 and Sept. 21 as part of its continuing efforts to build an implosion-type nuclear weapon"; says Pakistan has produced uranium enriched to a 93.5% level.

1986—Press reports cite U.S. "Special National Intelligence Estimate" concluding that Pakistan had produced weapons-grade material.

1986—Commenting on Pakistan's nuclear capability, General Zia tells interviewer, "It is our right to obtain the technology. And

when we acquire this technology, the Islamic world will possess it with us."

1986—Recently declassified memo to then-Secretary of State Henry Kissinger states, "Despite strong U.S. concern, Pakistan continues to pursue a nuclear explosive capability * * * If operated at its nominal capacity, the Kahuta uranium enrichment plant could produce enough weapons-grade material to build several nuclear devices per year."

1987—U.S. nuclear export control violation: Pennsylvania, maraging steel & beryllium (used in centrifuge manufacture and bomb components).

1987—London Financial Times reports U.S. spy satellites have observed construction of second uranium enrichment plant in Pakistan.

1987—Pakistan's leading nuclear scientist states in published interview that "what the CIA has been saying about our possessing the bomb is correct."

1987—West German official confirms that nuclear equipment recently seized on way to Pakistan was suitable for "at least 93% enrichment" of uranium; blueprints of uranium enrichment plant also seized in Switzerland.

1987—U.S. nuclear export control violation: California, oscilloscopes, computer equipment (useful in nuclear weapon R&D).

1987—According to photocopy of a reported German foreign ministry memo published in Paris in 1990, U.K. government official tells German counterpart on European nonproliferation working group that he was "convinced that Pakistan had 'a few small' nuclear weapons."

1988—President Reagan waives an aid cutoff for Pakistan due to an export control violation; in his formal certification, he confirmed that "material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device."

1988—Hedrick Smith article in the New York Times reports U.S. government sources believe Pakistan has produced enough highly enriched uranium for 4-6 bombs.

1988—President Zia tells Carnegie Endowment delegation in interview that Pakistan has attained a nuclear capability "that is good enough to create an impression of deterrence."

1989—Multiple reports of Pakistan modifying U.S.-supplied F-16 aircraft for nuclear delivery purposes; wind tunnel tests cited in document reportedly from West German intelligence service.

1989—Test launch of Hatf-2 missile: Payload (500 kilograms) and range (300 kilometers) meets "nuclear-capable" standard under Missile Technology Control Regime.

1989—CIA Director Webster tells Senate Governmental Affairs Committee hearing that "Clearly Pakistan is engaged in developing a nuclear capability."

1989—Media claims that Pakistan acquired tritium gas and tritium facility from West Germany in mid-1980's.

1989—ACDA unclassified report cites Chinese assistance to missile program in Pakistan.

1989—U.K. press cites nuclear cooperation between Pakistan and Iraq.

1989—Article in Nuclear Fuel states that the United States has issued "about 100 specific communiques to the West German Government related to planned exports to the Pakistan Atomic Energy Commission and its affiliated organizations;" exports reportedly included tritium and a tritium recovery facility.

1989—Article in Defense & Foreign Affairs Weekly states "source close to the Pakistani nuclear program have revealed that Pakistani scientists have now perfected detonation mechanisms for a nuclear device."

1989—Reporting on a recent customs investigation, West German magazine Stern reports, "since the beginning of the eighties over 70 [West German] enterprises have supplied sensitive goods to enterprises which for years have been buying equipment for Pakistan's ambitious nuclear weapons program."

1989—Gerard Smith, former U.S. diplomat and senior arms control authority, claims U.S. has turned a "blind eye" to proliferation developments in Pakistan and Israel.

1989—Senator Glenn delivers two lengthy statements addressing Pakistan's violations of its uranium enrichment commitment to the United States and the lack of progress on nonproliferation issues from Prime Minister Bhutto's democratically elected government after a year in office; Glenn concluded, "There simply must be a cost to non-compliance—when a solemn nuclear pledge is violated, the solution surely does not lie in voiding the pledge."

1989-90—Reports of secret construction of unsafeguarded nuclear research reactor; components from Europe.

1990—U.S. News cites "western intelligence sources" claiming Pakistan recently "cold-tested" a nuclear device and is now building a plutonium production reactor; article says Pakistan is engaged in nuclear cooperation with Iran.

1990—French magazine publishes photo of West German government document citing claim by U.K. official that British government believes Pakistan already possesses "a few small" nuclear weapons; cites Ambassador Richard Kennedy claim to U.K. diplomat that Pakistan has broken its pledge to the U.S. not to enrich uranium over 5%.

1990—London Sunday Times cites growing U.S. and Soviet concerns about Pakistani nuclear program; paper claims F-16 aircraft are being modified for nuclear delivery purposes; claims U.S. spy satellites have observed "heavily armed conveys" leaving Pakistan uranium enrichment complex at Kahuta and heading for military airfields.

1990—Pakistani biography of top nuclear scientist (Dr. Abdul Qadeer Khan and the Islamic Bomb) claims U.S. showed "model" of Pakistani bomb to visiting Pakistani diplomat as part of unsuccessful nonproliferation effort.

1990—Defense & Foreign Affairs Weekly reports "U.S. officials now believe that Pakistan has quite sufficient computing power in country to run all the modeling necessary to adequately verify the viability of the country's nuclear weapons technology."

1990—Dr. A.Q. Khan, father of Pakistan's bomb, receives "Man of the Nation Award."

1990—Washington Post documents 3 recent efforts by Pakistan to acquire special arc-melting furnaces with nuclear and missile applications.

1991—Wall Street Journal says Pakistan is buying nuclear-capable M-11 missile from China.

1991—Sen. Moynihan says in television interview, "Last July [1990] the Pakistanis machined 6 nuclear warheads. And they've still got them."

1991—Time quotes businessman, "BCCI is functioning as the owners' representative for Pakistan's nuclear-bomb project."

1992—Pakistani foreign secretary publicly discusses Pakistan's possession of "cores" of nuclear devices.

EXHIBIT 4

ARE PAKISTAN'S F-16'S "NUCLEAR-CAPABLE"? IT DEPENDS ON WHO YOU ASK

William T. Pendley, Office of Assistant Secretary of Defense/ISA, Letter to Sen. Glenn on 13 April 1993:

"Pakistan could . . . theoretically attach a [nuclear] weapon and deliver it to a target with their F-16s, or any other aircraft in their inventory, if arming and fuzing procedures were accomplished before takeoff, and safety and placement accuracy were not considered."

Robert Gates, CIA Director, Testimony Before Senate Governmental Affairs Committee, 15 January 1992:

[Sen. Glenn]—"How about delivery systems? Is there any evidence that Pakistan converted F-16s for possible nuclear delivery use?

[Gates]—"We know that they are—or we have information that suggests that they're clearly interested in enhancing the ability of the F-16 to deliver weapons safely. But we don't really have—they don't require those changes, I don't think, to deliver a weapon. We could perhaps provide some additional detail in a classified manner."

"Assessing ballistic missile proliferation and its control, "Report of Center for International Security and Arms Control, Stanford University, November 1991:

"Pakistani F-16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy."

"Western intelligence sources" cited in U.S. News & World Report, 12 February 1990:

"The sources say Pakistan, in violation of agreements with Washington, is busily converting U.S.-supplied F-16 fighter planes—60 more are scheduled to be sent this year—into potential nuclear-weapons carriers by outfitting them with special structures attached to the plane's underwing carriage. The structure allows the mounting of a dummy under one wing of the F-16 to balance the weight of the bomb under the other wing."

Deptuy Assistant Secretary of Defense Arthur Hughes, testimony before House Subcommittee, 2 August 1989:

"In order to deliver a nuclear device with any reasonable degree of accuracy and safety, it first would be necessary to replace the entire wiring package in the aircraft. In addition to building a weapons carriage mount, one would also have to re-do the fire control computer, the stores management system, and mission computer software to allow the weapon to be dopped accurately and to redistribute weight and balance after release. We believe this capability far exceeds the state of the art in Pakisan and could only be accomplished with a major release of data and industrial equipment from the U.S." . . .

[Rep. Solarz]—Now, in your testimony, Mr. Hughes, I gather you've said that the F-16s which we have already sold them are not nuclear capable?

[Hughes]—That's right sir.

[Rep. Solarz]—And the planes we're planning to sell will not be configured in such a way that they could deliver nuclear ordnance?

[Hughes]—That's right, Mr. Chairman.

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House Subcommittee, 2 August 1989:

"None of the F-16s Pakistan already owns or is about to purchase is configured for nuclear delivery. Pakistan, moreover, will be obligated by contract not to modify its new acquisitions without the approval of the United States."

Views attributed to German Intelligence Agency (BND), in Der Spiegel, 24 July 1989:

"The Pakistanis have secretly planned to use the fighter aircraft as a delivery system for their bomb. According to a report by the Federal Intelligence Service (BND), relevant tests have already been successfully concluded. The BND has reported to the Chancellor's Office that, using an F-16 model, the Pakistanis have made wind tunnel tests and have designed to shell of the bomb in a way that allows them to install it underneath the wings. At the same time, the detonating mechanism has been improved, so that the weapons can now be used. . . According to the BND report, the Pakistanis long ago found out how to program the F-16 onboard computer to carry out the relevant flight maneuvers in dropping the bomb. According to the report from Pullach [BND headquarters], they also know how to make the electronic contact between the aircraft and the bomb."

Sen. John Glenn, letter to President Ronald Reagan, 5 March 1987:

"And I believe we should continue to try to provide assistance to the Afghans. But if the price that must now be paid is acceptance of Pakistani nuclear weapons production along with the continued provision of a 'make in the U.S.A.' delivery system (F-16s), a combination certain to ultimately erode the national security of the United States and some of its closest allies, then the price is too high."

Undersecretary of State James Buckley, testimony before the Senate Foreign Relations Committee, 12 November 1981:

[Sen. Hayakawa]—"Do the F-16's provide Pakistan with a delivery system for nuclear devices?"

[Buckley]—"Yes, they would. But by the same token, this is not the only aircraft that would have that capability. My understanding is that the Mirage III currently possessed by Pakistan, would have the capability of delivering a small nuclear device."

E.F. Von Marbod, Director of Defense Security Assistance Agency, testimony before two House Subcommittees, 16 September 1981:

[Solarz]—"I gather the F-16's are technically capable of carrying nuclear weapons. Will the F-16's supplied Pakistan be able to carry nuclear weapons?"

[Von Marbod]—"Mr. Solarz, all nuclear capabilities will be deleted from these F-16's. All wiring to the pylons, all computer software programs that manage the hardware stores and all cockpit controls that are nuclear-related."

Several Senators addressed the Chair.

Mr. GLENN. Mr. President, I ask unanimous consent that a letter to the President regarding the Pakistani situation that I sent on April 19 be printed in the RECORD, and I reserve the remainder of my time.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, April 19, 1995.

President WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the direction of U.S. nonproliferation policy in South Asia in the wake of the visit last week of Prime Minister Benazir Bhutto of Pakistan. Press reports and commentary regarding her visit and the joint press conference you held with her have been singularly devoid of information on the history of the Pressler Amendment, the activities of Pakistan in the nuclear area, and the circumstances surrounding the two 1989 contracts for the sale of F-16s. Without such understanding, it is easy to conclude that an injustice has been perpetrated upon Pakistan, and that to rectify it, a major adjustment in our nonproliferation policy must be made. The truth, however, is much more complicated, and the problem does not lend itself to easy resolution.

To understand how we have arrived at this difficult state of affairs with Pakistan, in which they have paid $658 million in cash and used $200 million in credits for 28 F-16s but cannot have them delivered, let us review some history.

In the mid-70s, Congress became concerned about increasing evidence of international nuclear trade in dangerous technologies associated with producing nuclear weapon materials. A number of countries, including but not limited to Pakistan, South Korea, Brazil, and Taiwan were actively engaged in seeking such technologies, and suppliers such as France and Germany seemed prepared to meet the demand. In an attempt to dampen such activity, in 1976 and 1977, Congress enacted what is now called the Glenn/Symington amendment to the Foreign Assistance Act which provided that countries importing or exporting such dangerous technologies under certain conditions would be cut off from U.S. economic and military assistance. This law was universal in its application and was not directed specifically toward Pakistan. Nonetheless, in 1979, after much information became available about illegal Pakistani activities involving the smuggling of design information and equipment related to nuclear enrichment, President Carter invoked the Glenn/Symington Amendment to cut off the Pakistanis. After the war in Afghanistan broke out, attempts by the Carter Administration to restore some assistance to Pakistan in return for restraint on their nuclear program were rebuffed by the Pakistanis.

When the Reagan Administration arrived, aid to Pakistan and the Mujahideen was high up on the administration's foreign policy agenda, and the repeal of the Glenn/Symington Amendment was suggested during Congressional consultations. This was rejected. Instead, a proposal was made and adopted into law that allowed the President to resume aid to Pakistan for six years despite its violations of "Section 669" of the Glenn/Symington Amendment (relating the uranium enrichment activities). President Reagan used this authority in 1982 and also issued a waiver under "Section 670" of the amendment (relating to reprocessing activities) to exempt Pakistan indefinitely from the cutoff provisions of that section of the Glenn/Symington legislation as well/ (He could not do the same under Section 669 unless he had "reliable assurances" that the Pakistanis were not developing nuclear weapons, and such assurances were clearly not available). Thus, a specific waiver for Pakistan was created (and has been subsequently renewed five times) that allowed them to escape from the sanctions imposed by U.S. law for proliferators. This has been done for no other country that I am aware of.

Nonetheless, Congress was unwilling to give a complete blank check to Pakistan, and stipulated in the waiver legislation that Pakistan would still be cut off if it received or exploded a nuclear device. In addition, Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that U.S. assistance was indeed inhibiting Pakistan's bomb program as was confidently assumed by Reagan Administration officials.

Those reports, along with supplementary intelligence information, revealed that there was no effect whatsoever on the pace or direction of the Pakistani bomb program. The Pakistanis continued to say publicly that they had no nuclear weapons program, and continually lied to U.S. authorities whenever questioned. Indeed, then-President Zia and the then-head of the Pakistani Atomic Energy Commission, Munir Khan, both lied directly to me during my visit to Islamabad in 1984 when I asked them about information I had concerning their nuclear program.

The result of all this mendacity, plus ongoing information that the Pakistani program was progressing, was the enactment of the Pressler Amendment, passed in 1985, which was designed to draw a new line in the sand regarding the extent of U.S. forbearance of Pakistan's nuclear weapons program. The amendment required the U.S. President to certify annually that Pakistan did not "possess" a nuclear explosive device in order for assistance to continue, and that such assistance would "significantly reduce the risk" that Pakistan would possess such a device. Please note that the argument about the Pressler Amendment being unfair because it applies only to Pakistan is completely disingenuous because it ignores the fact that Pressler was created to shape further the unique, special exemption from U.S. nonproliferation law given to Pakistan years earlier.

It has been reported that C.I.A. officials who were privy to intelligence information concerning the Pakistani program were skeptical, beginning from 1987 on, that the President could make the appropriate certifications under Pressler to allow aid to continue. Statements from high ranking Pakistani officials around this time suggested that they had the bomb within their grasp. Nonetheless, President Reagan in 1987 and 1988, and President Bush in 1989 made those certifications. It has also been reported that President Bush told the Pakistanis in 1989 that he would be unable to make the certification in 1990.

Now, the contracts for the sale of 28 F-16s was signed in 1989, the year Pakistan was ostensibly warned that there would be no further certifications that would allow them to receive military equipment from the United States. The first cash payment (of $50 million) was made at the beginning of FY 1990. Subsequent to the cutoff, which took effect in October, 1990, Pakistan continued to send periodic payments for the manufacture of F-16s, i.e., $150 million in FY 1991, $243 million in FY 1992, and $215 million in FY 1993, for a total of $658 million.

Why did they continue to send money when U.S. law would not enable them to receive the planes? This is a question only they can answer. But it is not unlike an investor buying the stock of a company whose assets are under a lien in the hope that the lien will somehow be removed. If it doesn't get removed, the investor can hardly call "foul".

All this is not to say that the Pakistanis are not entitled to any sympathy in their national security plight in South Asia. They have fought three wars with a much larger adversary, India, who is also pursuing a nuclear weapons program and exploded a device in 1974. By virtue of India's nuclear program being indigenous and therefore not in violation of the terms of the Glenn/Symington

Amendment, the Indians have not been subject to the amendment's sanctions (which would not have been effective in any case, since the Indians received only token amounts of economic or military assistance from the U.S.). That is not the same thing as saying that U.S. law is discriminatory in its application.

As I write this, more than 170 nations are meeting in New York to determine whether and for how long to extend the Nuclear Nonproliferation Treaty. It has been the policy of every American President over the past twenty five years since the Treaty went into effect to support the Treaty and we have been steadfast in that support. As a result, we have every right to ask, as you have done, that the members of the Treaty vote for indefinite extension. The NPT has been a success because we have cooperated with those Parties to the Treaty who have taken their nonproliferation commitments seriously, just as we are taking our own commitments seriously by reducing our stockpiles of weapons and engaging in a moratorium on testing.

How will we be keeping faith with those 170+ nations meeting in New York if the message we send is that a proliferator with a history of mendacity can receive from the United States a significant number of nuclear weapons delivery systems (F-16s)? To ask the question is to give the answer.

The U.S. cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other. To send F-16s to Pakistan with full realization of the history I have laid out in this letter would be a gross violation of our commitment to foster a nonproliferation ethic in the world through the NPT and other means, and would rightfully subject us to strong international criticism.

I am not an enemy of Pakistan, and I have supported them when they have been threatened in the past, such as during the war in Afghanistan. And I, along with you, Mr. President, want their cooperation in the fight against terrorism and drugs. Surely we ought to be able to find a way to support them in these activities without giving them a nuclear weapons delivery system. I am prepared to discuss with you or your representatives various options in which such support might be provided without undermining our nonproliferation standing and efforts around the world.

As to the cash payments for the F-16s, we cannot ignore the fact that, contrary to the grossly incorrect public statement made by Assistant Secretary Robin Raphel at a White House briefing on April 11, no payments were made by Pakistan before FY1990. Sticking to the payment schedule of the contract until FY1993 was a gamble by Pakistan that didn't pay off, and now they want to be held harmless from losing their gamble. It is perhaps unfortunate that U.S. officials did not disabuse the Pakistanis of the hope that making those payments would put pressure on the U.S. to reverse the Pressler sanctions and deliver the planes, but that is no reason to turn that hope into reality now.

In closing, Mr. President, I urge again that in finding ways to improve our relations with Pakistan, we not lose sight of the importance of keeping good relations with the nonproliferators of the world. They have a large claim on our loyalty.

Sincerely,

JOHN GLENN,
Ranking Member.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I defer to the distinguished Senator from Rhode Island.

Mr. GLENN. I thank my colleague and I yield 10 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

ENVIRONMENTAL PROVISIONS

Mr. PELL. Mr. President, I would like to briefly draw the attention of my colleagues to the funding measures that the foreign operations appropriation bill recommends with regard to our participation in important ongoing international environmental efforts. In particular, I wish to refer to the allocation of $50 million that have been earmarked for the Global Environment Facility, commonly referred to as the GEF. At the outset, let me highlight that while this amount falls short of the $110 million that the administration had requested, it represents a 66-percent increase from the amount that the House of Representatives had recommended. This important increase is the result of the joint efforts of Democrats and Republicans, who in a spirit of bipartisanship joined their efforts to increase funding for international environmental activities.

Mr. President, the GEF was recently restructured and now represents all the good that can come out of sound international efforts on the environment. The committee report that accompanies the foreign operations bill correctly emphasizes the need to maintain U.S. leadership in this vital organization, which seeks to combat ocean pollution, ozone depletion, loss of biodiversity, and other serious threats to the Earth's environment. Specifically, the GEF aims to assist developing countries in meeting the new challenges of sustainable development.

We are now at a time where the impacts of global change are starting to have significant effects on our environment and the United States just cannot afford to relinquish its leadership role. This point was highlighted in a recent editorial piece in the New York Times, which enumerated the mounting evidence experts now have on the depletion of the ozone layer and other climate change factors. I ask unanimous consent that a copy of this article be included at the end of my remarks. We should not be reducing our commitment to a healthy global environment at such a critical time.

I also note that the Senate Appropriations Committee has increased from the House bill the amount that will be dedicated to international organizations and programs, which also includes U.S. efforts to promote sustainable development, and particularly the protection of the global environment. The United States has been an active partner in the activities of the U.N. Framework Convention on Climate Change and the Montreal Protocol on the Depletion of the Ozone Layer. The administration has highlighted the fact that the Montreal protocol fund is a low-cost and very effective shield to protect the health of our citizens and our environment. The U.N. Framework Convention on Climate Change addresses the problem of climate change with policies that are both good for the environment and good for the economy. The committee report recognizes the importance of these organizations and programs and urges that adequate funding be provided for these important activities.

The need to protect biodiversity is also highlighted as a priority and the report recognizes that global biological wealth is vital to U.S. security and key to our own agricultural and pharmaceutical interests. The report thus urges AID to remain active in regions that are significant for biological diversity. I support that commitment.

Finally, the foreign operations bill recognizes the key role played by the U.N. Environment Programme [UNEP], by requiring that any reduction in the amounts made available for UNEP shall not exceed the percentage by which the total amount appropriated for international operations and programs is reduced. UNEP provides a means to pursue international environmental standards that are both compatible with U.S. interests and comparable to U.S. regulatory requirements and restraints. Further, UNEP goals are complementary to our own, particularly in the area of climate change and ozone depletion.

Mr. President, I am grateful for the bipartisn approach that prevailed in the Appropriations Committee which has allowed us to ensure that the United States will remain committed in our very important efforts to protect the environment.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times on that subject, and I yield the floor.

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

[From the New York Times, Sept. 18, 1995]

GLOBAL WARMING HEATS UP

The evidence mounted last week that man-made gases are causing deterioration of the earth's atmosphere. First came news that a United Nations scientific panel believes it has found, for the first time, evidence that human activities are indeed causing a much-debated warming of the globe. The report, though preliminary, appeared to strengthen the case that governments throughout the world may need to take stronger action to head off potential damage.

Then came an announcement from the World Meteorological Organization that a worrisome hole in the earth's protective ozone shield appears to be getting even larger over Antarctica. Such enlargement had been expected because it will take a while for corrective actions already taken by many governments to exert their effect. But the

report underscored that the battle to save the ozone layer is not yet safely won.

The U.N.'s global warming report, described by William K. Stevens in the Sept. 10 Times, indicates that man-made global warming is a real phenomenon. It cannot be dismissed as unproved "liberal claptrap," as Representative Dana Rohrabacher, Republican of California, who heads a house environmental subcommittee, has derisively suggested.

For years now scientists have been arguing over whether the omission of "greenhouse gases," such as carbon dioxide generated by the burning of fossil fuels, has contributed to a small rise in global temperatures over the past century—and whether such emissions will drive temperatures even higher in coming decades.

Such a change in temperature might, if drastic enough, have serious consequences, as is made clear today in a second article by Mr. Stevens. Global warming could cause a rise in sea level that would flood coastal lowlands, an increase in weather extremes and damage to forest and croplands in some regions. Forestalling truly severe damage might well warrant action to slow the emission of greenhouse gases by reducing the world's reliance on fossil fuels. But that would be a wrenching, costly process that few political leaders are eager to undertake absent compelling evidence that human activities really are driving world temperatures toward dangerous levels.

Now the U.N's Intergovernmental Panel on Climate Change, the scientific panel charged with analyzing the problem, has concluded in a draft report that it is seeing signals that man-made global warming is underway. The signals are not in the form of a "smoking gun." Instead, they are found in computer patterns. The computer models that predict rising temperatures seem to be matching up more closely with some of the patterns of climate change actually observed. There are great uncertainties in how much the temperature will rise and how great any damage might be. But the case for being concerned about global warming is getting stronger.

That makes it especially distressing that committees in the House and Senate are slashing funds for programs aimed at protecting the global environment. Steep cuts have been imposed on research to study global climate change, on programs to help reduce carbon emissions and on funds to help developing countries phase out their ozone-destroying chemicals. It is perverse that, as the evidence of global atmospheric harm gets somewhat stronger, the political response to mitigating it gets progressively weaker.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I yield myself 10 minutes.

Mr. President, I compliment the distinguished Senator from Ohio for his very thoughtful comments. He has been a very sincere and a tireless advocate of the cause of nonproliferation, and he has made a major contribution not only to the United States effort in that but to the worldwide efforts in that. While we find ourselves on opposite sides of this particular issue, I certainly want to indicate my admiration for his tireless efforts and also my thanks for the contribution he has made to the debate tonight. I think it has been helpful and constructive. I do come to a different conclusion with regard to the amendment, but that does not mean I do not share his strong feelings toward nonproliferation. I do.

The first portion of what has been said that I want to deal with is the very significant question: What is the value, militarily, of the slightly more than one-fourth of the package that would be delivered under this amendment. These are arms negotiated for in 1986 and 1987 and 1988. These are arms that have aged somewhat, that are somewhat out of date. But I thought that was a valid question and an important one for our deliberations.

We held a series of hearings on this whole matter, including one directed specifically to that particular question; that is: How significant are these weapons? What kind of problems would they create? How significant are they in military terms?

I want to deal with the specifics of the answers but let me just summarize. The experts that we called in were both Democrat and Republican, they were both military personnel and personnel from academia. They were both people who had worked with India—we had the former Ambassador to India as well as other experts on India, consultants who work with India all the time—and there were experts who had worked in Pakistan. So we had a broad range of people, backgrounds, and issues. We asked all of them the same question: What is the effect on the balance of power in the area?

They said this. First, that India maintains the balance of power and that it is militarily overwhelming, roughly a ratio of 2 to 1, depending on the category of weapons system. In some areas the ratio is even more than 2 to 1. Certainly in population it is much more than that. In overall resources it is more than that.

Second, these experts said it would not affect the balance of power at all.

Third, they said the weapons themselves are not terribly significant.

I have summarized what they said. I want the RECORD to reflect precisely what they said. But the military significance of the items that would be transferred to Pakistan is a valid question. I think the Senator is right to raise it. I wanted the Senator and other Members of this Chamber to know I was concerned about it, that we called a hearing on it, that we got testimony from all the experts including the administration, all of which agreed that the equipment to be transferred would have little military significance.

I will just give a quick sampling of the testimony taken because it lends important background as Members consider this particular question. How significant are these arms that will be delivered under this amendment? Here is what Stephen Cohen, Director of the Program in Arms Control, Disarmament and International Security at the University of Illinois, said:

In terms of the regional military balance, I don't think that the release of this military . . . equipment really will have no significant impact on the balance one way or another.

Those remarks, sentiments, were echoed by George Tanham. He was the Vice President of the Rand Corp. I believe he is retired at this point, but nevertheless is an important expert in this area.

I agree with Steve that the package won't change the balance at all. In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an air force, twice as large a navy, twice as many tanks, twice as many airplanes. So there isn't a balance at the moment. India has overwhelming strength.

This one is from Michael Krepon. He is the president of the Henry Stimson Center.

Conventional arms transfers like those under consideration by the Congress have not in the past been sources of instability or arms racing in the region.

This next one is by the Honorable William Clark, Jr. He was the U.S. Ambassador to India during the period of 1989 to 1992.

We have got F-16's that have been sitting in the desert and being maintained. The P-3 and the Harpoon, three of them are marginally useful, if at all, and they have been already. The requirement has been met in other ways. From the politics of it, it is terribly important. The military utility of it, they would rather buy more modern equipment with the money.

What he is suggesting there is that if the Pakistanis had the choice, they probably could get better quality weapons if we returned their money than if we delivered the weapons. That is particularly important if, indeed, the amendment proposed by the Senator from California is offered with an alternative to return the money.

This is from James Clad, professor at Georgetown University.

The offer for Pakistan is exactly as Dr. Tanham pointed out an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality. I think another turn on a dime on this issue is going to do further damage to the American diplomacy.

Professor Clad's "other turn" was reversing the President's compromise reached after negotiations with the Pakistan government, which, of course, is the amendment we have offered. If we turn down the President after he has negotiated a settlement, after he has taken the lead and gotten an agreeable settlement in this very sore situation, we not only discredit the President but we undercut his ability to negotiate for us in the future. Those are my words, not Professor Clad's, but I think the point that he makes is very accurate.

The last one is from Bruce Fein. He is a constitutional and international

law specialist and also a syndicated columnist.

It is true that they—

Referring to India—

are searching at present for substantial additional arms purchases, hundreds of millions, that I think would dwarf anything that would follow any relaxation of the Pressler amendment: very high technology MiG aircraft.

I might say, Mr. President, that nothing compares in this package to anything that India is currently shopping for, has the money to buy and apparently will buy at some point.

Mr. President, those comments deal as seriously as I know how to deal with the question of how significant the equipment that is transferred will be. The experts tell us it is not significant and, indeed, that is what the administration tells me.

Now, that was not HANK BROWN talking. Those statements were given by experts in the field in a public hearing subject to the scrutiny and review of the media and other experts. It is important because I must tell you my own view is I do not want to get involved in arms sales to the subcontinent that will create an escalating arms race or that change in the balance in favor of one side or the other. I want the United States to be friends with both countries. We have a great future of trade, investment and mutual development with both India and Pakistan.

Ultimately, the people who have tried to exploit the difference between those two countries will be viewed with hostility by both nations as well. Ultimately, both of these neighbors will face common challenges. They must be friends and must work together. The American sense that we do not want to get in between the two is the right sense. That is why it is so important to clear up this contractual dispute after 9 years and get it out of our way. The administration is right when they say it is not their intention to get involved in future arms sales.

That deals with the question of how significant the one-fourth of the package that is being delivered is. A second area that I thought maybe was worthwhile: Much has been made by my distinguished friends about the fact that Pakistan did not reveal the full extent of what they were doing with nuclear material or other areas.

What perhaps was not said is what India said about their nuclear program. We are not dealing with a nation in isolation. Pakistan's neighbor, which is geographically far bigger, has a much greater population and a military that is twice its size, also has nuclear weapons. But all that has been criticized here tonight are the statements and denials of Pakistan. Nothing has been said about the statements of India.

Now, it is in our interest as a country to run down either country, but it is unfair to turn a blind eye to what goes on in that subcontinent. If we are to be concerned about one country, we must be concerned about the other. The reality is that between the two countries, India and Pakistan, our legal restrictions apply to Pakistan but exempt India.

Is this an inconsistent policy? Mr. President, I believe it is. The waivers that were talked about earlier simply relate to Pakistan because the restrictions apply to Pakistan. The fact is this: If we are concerned about nuclear weapons, we ought to be concerned about both India and Pakistan and our laws ought to apply equally to both countries.

Mr. President, they do not. If we are concerned about statements countries make about their nuclear weapons program, we ought to be concerned about statements by India as well as by Pakistan. Mr. President, we have not heard that concern about India tonight. We have only heard it about Pakistan.

If Members are concerned about violations of the MTCR—and I am—if they are concerned and want to impose sanctions, they ought to be doing what the law says, which is to impose sanctions not only in the country that buys items that violate the MTCR but also on the country that sells in violation. We have had a lot of people talk about applying penalties against Pakistan under the MTCR. But who has come forward to propose penalties against China? Under MTCR, they are equally at risk if, indeed, the allegations are correct, but the reality is that all we have heard are sanctions against Pakistan and none against China, or at least the Members who have spoken have not talked about China.

Mr. President, I yield myself an additional 10 minutes.

It seems to me, if we are going to be consistent, we ought to apply our concerns about nuclear technology to both India and Pakistan. If we are concerned about nuclear technology, we ought to be willing to apply the laws that restrict its development and spread to both India and Pakistan, not just to one of the two. If we are concerned about missiles and missile technology, we ought to be willing to apply those restrictions to both India and Pakistan. The fact is the MTCR does not apply to missiles that are developed in-country but they do apply to a country that acquires them from outside.

Once again, we have drafted a law that only applies in this case to Pakistan and not to India, at least in relation to the two countries.

Lastly, Mr. President, if we are going to be consistent, we ought to talk about penalties not just for Pakistan if, indeed, they have violated the MTCR, but for China as well. Yet what we have heard tonight are slings and arrows pointed only at Pakistan.

Well, that is perhaps appropriate in some ways. This amendment does deal with Pakistan. It is right for them to bring these issues up. But from my point of view, our level of consistency ought to be higher than that.

Lastly, let me ask Members this: If you were a reporter and you talked to President Truman in 1944 and you said, "Mr. Truman, tell me whether or not the United States has a nuclear weapon?" What do you think President Truman would have said? Would he have said, "Well, it's a top military secret. Its disclosure would harm our national security. But I want to tell you anyway and I'll tell you all about it"?

Does anybody here think President Truman would have said that?

He was not President in 1944; he was Vice President. But at least at that period of time.

But the fact is, President Roosevelt—later President Truman who led us in the later 1940's—did not reveal, to questions, that we had a nuclear weapon. It was a matter of utmost national security.

Should the Pakistanis have revealed their national security secrets to us? Well, maybe they should have. I can understand Members' frustration with that. But I also understand this, India has the nuclear weapons. And they had them first. If anyone is shocked or surprised that Pakistan, who has been involved in three wars with India and lost all three, would think about developing weapons comparable to the country that beat them in three wars, I think they have not studied much of world politics.

Is anyone surprised that Pakistan sought to get missiles, if indeed they have? I suspect they have sought to find missiles. The fact is that India has developed missiles. Is anybody surprised that Pakistan then in turn would try to acquire missiles? I am not surprised. Do we wish this was not going on? Absolutely. But our challenge ought to be to think of ways that we can slow it down or stop it. That involves additional leverage. To ignore the situation, to close off our contacts and our discourse with Pakistan is not the way to solve the problem.

Mr. President, I offer these observations at the same time I want to renew my sense that it is terribly important that we pursue our efforts to slow proliferation or stop it. What is at stake here is solving an old dispute, and what stays in place, what is unharmed or unchanged is the flat prohibition on military aid or sales to Pakistan. That is unchanged. What stays in place is a strong penalty against Pakistan who has been our ally through thick and thin. We keep that in place because we want to keep a lesson out there for the rest of the world that there is a penalty.

But this amendment delivers a small portion of the package of equipment that Pakistan had contracted for 8 or 9 years ago, which they have paid for and

which is deemed to be militarily insignificant by the experts, to them. Their money on three-fourths of the package is sent back to them, or at least inasmuch as we can sell those planes for something and send it back. What we do in this package is begin to deal fairly with Pakistan. What we do not do is undercut our efforts at nonproliferation. I believe in the long run we improve those efforts.

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

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, as I understood it, we cannot carry this time over until tomorrow. The time has to be used this evening.

We have 1 hour total equally divided. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. Mr. President, I would be prepared to yield back the remainder of my time, if the Senator from Colorado is prepared to do the same.

Mr. BROWN. Mr. President, I also would be happy to yield back the remainder of my time for this evening.

Mr. President, at this point I will 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. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

AID TO ISRAEL AND EGYPT

Mr. ABRAHAM. Mr. President, I rise today in support of U.S. aid to our strongest allies in the Middle East: Israel and Egypt.

I believe foreign aid should be dispensed only when and where it is in America's national interest, and H.R. 1868, the foreign operations, export financing and related appropriations bill of 1996, meets those criteria.

H.R. 1868 authorizes $3 billion for Israel, including $1.8 billion in military assistance and $1.2 billion in economic aid; and $2.12 billion for Egypt—$1.3 billion in military aid and $815,000 in economic assistance.

Mr. President I believe support for Israel and Egypt furthers our goal of supporting countries that defend and advance America's interests.

The Middle East is an incredibly volatile region and events that transpire there have major implications for the United States. Both Israel and Egypt help protect our strategic interests in that part of the world and for this reason they deserve our continued support.

Now is not the time to abandon our friends, but rather the time to assist them as they face many of the same challenges we do as we strive to promote stability in the post-cold war world.

The Middle East has witnessed historic changes that seemed unimaginable only 5 years ago: the collapse of the Soviet Union has removed the most powerful supporter of rogue nations in the region; the United States, with Egypt's crucial involvement, led an international coalition in a successful effort during the Persian Gulf War; political and economic relations were established between Israel and Morocco, Tunisia, and many other countries around the world; bilateral negotiations were initiated between Israel and some of her most ardent enemies; an agreement between Israel and the Palestinians was formalized; and a peace treaty between Israel and Jordan was signed.

But despite these developments and achievements, the Middle East is still among the most dangerous regions in the world.

Instability in the Middle East is contrary to our national security interests because it threatens the supply of oil, which could create a crisis the likes of which the people of Western Europe and America have experienced before. It could also threaten our access to the Suez Canal and increase the influence of terrorist regimes.

And this instability could resurface at any time. Parties opposed to the peace process have sought to undermine it. Economic underdevelopment in many countries breeds political instability and even violence.

In order to minimize these dangers while continuing to build on historic accomplishments in the region, United States support for Israel and Egypt is as critical today as ever. Both Israel and Egypt stand firmly with us in countering these threats.

The joint military exercises the United States conducts with Israel promote American goals in the region by solidifying a cooperative strategic plan which can be quickly implemented. Dozens of American weapons systems, including the Patriot missile and the F-15 fighter, have been improved with Israeli technological innovations. The Arrow missile program, which has been a joint American-Israeli project, should some day help America and our allies protect ourselves against ballistic missile attacks. I should also point out that aid to Israel is used primarily to purchase United States-made military equipment.

Similarly, joint United States-Egyptian military exercises have proven fruitful in such coordinated efforts as Desert Shield and Desert Storm. As the United States assists in maintaining the efficiency of the Egyptian armed forces, these forces can continue to protect and enhance our interests in the region. Furthermore, Egypt purchases over 85 percent of its military equipment from the United States, including the M1A1 tanks.

Mr. President, we must authorize these funding levels not only because it makes sense when considering our strategic goals in the Middle East, but also because it is consistent with our objectives in the ongoing peace process.

As the chief sponsor of both past and current peace negotiations, the United States should maintain its leadership role in pursuing peace in the region by continuing its unequivocal support for Israel and Egypt. Peaceful resolutions to Middle East conflicts will promote stability in this important part of the world.

The provisions of this aid package are, in my view, well structured to serve the interests of Americans, Israelis and Egyptians.

Additionally, H.R. 1868 provides funding for the United States to assist the Palestinians in the West Bank and Gaza as they develop their economy and strive to accomplish peace in the region. In my view, the United States should help lead an international community effort to stimulate private investment in Gaza and Jericho, including the continuation of a free-trade agreement and the development of industrial parks. Such initiatives can drive economic growth for the Palestinians. A stronger economy in turn will ultimately help produce peaceful self-rule.

Mr. President, I believe we must continue to assist nations which serve our interests by promoting stability in a volatile region. I am hopeful that ultimately there will be a peaceful resolution to the Arab-Israeli conflict. I urge my colleagues to vote for this legislation, because I believe aid to Israel and Egypt, as well as to the Palestinians, is a small price to help attain paramount international goal of the United States—permanent stability and peace in the Middle East.

I yield the floor.

Mr. GLENN. Mr. President, during the wrapup tonight—I know the procedures for tomorrow will be laid out by my distinguished colleague here. Since the regular floor managers for this bill are not here this evening, I would like to point out that Senator FEINSTEIN had hoped to be able to put her amendment in and have it considered at the end of the hour period and following the vote that will occur on Senator BROWN's amendment.

Although the managers are not here tonight, I hope we can honor that position for her so that the votes on this same subject will occur at about the same time or in sequence tomorrow. I hope that the floor managers tomorrow will look favorably on that, although they are not here to approve that tonight.

I yield the floor.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that there now be a

period for the transaction of routine morning business with Senators permitted to speak up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1091. An act to improve the National Park System in the Commonwealth of Virginia

H.R. 1296. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes.

ENROLLED BILL SIGNED

At 6:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

At 9:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SKEEN, Mr. MYERS of Indiana, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. RIGGS, Mr. NETHERCUTT, Mr. LIVINGSTON, Mr. DURBIN, Ms. KAPTUR, Mr. THORNTON, Mrs. LOWEY, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1091. An act to improve the National Park System in the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

H.R. 1296. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, to the Committee on Energy and Natural Resources.

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–1452. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report on the program recommendations of the Karachi Accountability Review Board; to the Committee on Foreign Relations.

EC–1453. A communication from the Acting Administrator of the Consolidated Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report entitled, "Farmer Programs Loan Assistance to Socially Disadvantaged Applicants"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1454. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to establish a flexible procedure for facilitating timely payment on claims on account of Government checks; to the Committee on Appropriations.

EC–1455. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

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. FORD:

S. 1262. A bill to provide for the establishment of certain limitations on advertisements relating to, and the sale of, tobacco products, and to provide for the increased enforcement of laws relating to underage tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. PRESSLER, Mr. THURMOND, and Mr. INOUYE]:

S. 1263. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Res. 175. A resolution expressing the sense of the Senate regarding the recent elections in Hong Kong; to the Committee on Foreign Relations.

By Mr. MURKOWSKI:

S. Con. Res. 27. A concurrent resolution to correct the enrollment of H.R. 402; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 1262. A bill to provide for the establishment of certain limitations on advertisements relating to, and the sale of, tobacco products, and to provide for the increased enforcement of laws relating to underage tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TOBACCO PRODUCTS CONTROL ACT OF 1995

Mr. FORD. Madam President, I want to talk just a bit about personal freedoms. That notion is so deeply embedded in how Americans define themselves that we fought wars to defend it, marched down every Main Street in America to guard it, and turned politicians out at the polls to protect it.

That dedication to personal freedom was at the very core of how our Founding Fathers defined a nation, and it has endured the test of time.

Thomas Jefferson said that the ultimate powers of society belong to the people themselves. And, when Government is concerned that people might not be knowledgeable enough to exercise their control in a healthy direction, he wrote, "The remedy is not to take it from them, but to inform."

He understood that Government has a mission to inform, but not to dictate, because when Government passes over that line of guidance to coercion, every American's guarantee of personal freedom is irrevocably damaged.

I want to say this in the most forceful way possible, Madam President, that no one—no one—supports teen smoking. I am introducing legislation today directed at reducing the number of teenaged smokers in this country.

But make no mistake, this legislation is equally driven by the need to prevent Government from regulating the legal choice of adults—of adults—in this country. And it does so by keeping the FDA out of the business of regulating tobacco.

It is no secret, Madam President, that the FDA would like to ban tobacco under the guise of regulating teen tobacco use. And that is why when many people in my State hear the phrase "Big Brother," they see the face of the FDA's David Kessler.

The other day I heard a radio interview of some stock car racing fans. They had some pretty harsh words for Washington and for the proposed regulations that could have a devastating effect on the sport that they enjoy so much. They used words like "misguided," and phrases like "Big Brother intruding."

You see, Madam President, they could not understand how the Government could prevent them from buying a T-shirt or a cap with their favorite race driver and sponsor on it. Plenty of those fans are parents who have no desire to see their children smoking cigarettes and who support commonsense efforts to reduce teen smoking. But something is clearly wrong when a regulation aimed at young people jeopardizes a sport where fewer than 3 percent in attendance are under the age of 18.

We are not just talking about sports fans or patrons of major art shows and performances. We are talking about the truck driver who chooses to wear a Skoal cap. We are talking about adults, whether they work on Wall Street, under the hood of a car, at the bank, or checking groceries, being able to get a pack of cigarettes at a local bar's vending machine, a place where no minor has any business being in the first place.

I am introducing this legislation today because I am fiercely opposed to Government interference into the legal decisions of adults in this country. I believe this is an issue we could have solved and still can without FDA intervention by working with industry and the administration. And in fact, many of the larger companies had already made substantial efforts in that direction. But I believe nothing less than complete prohibition is good enough for the regulators over at the FDA and the antitobacco zealots.

In fact, I am so concerned about the FDA's intentions to limit adults' rights with regard to tobacco that I believe some legislative solution is imperative to prevent further intrusion into the private decisions of adults in this country. That is why my legislation in no uncertain terms removes any FDA involvement in the regulation of tobacco.

But as I said on the day those regulations were announced, no one is here to protect peddling tobacco to minors. No one. And I am here today to follow up with serious, enforceable measures on advertising and access to stop underaged tobacco use.

You also find in this legislation retail and marketing restrictions which we incorporate into substance abuse and Mental Health Services Administration rules and State laws already on the books.

Under my legislation, we ban outdoor advertising of cigarettes and smokeless tobacco products within 500 feet of schools. We ban advertising of cigarettes and smokeless tobacco products in publications with any significant youth subscriptionship. We ban paid tobacco advertisements or props in movies. We ban cigarettes or smokeless tobacco advertising in videos, video game machines or family amusement centers.

We require States to restrict vending machine sales of cigarettes or smokeless tobacco products to supervised locations—bars, private clubs, or places of employment like factories and warehouses. And we require States to limit free sampling of cigarettes and smokeless tobacco products and use of coupons to locations where youth access is denied and where proof-of-age requirements have been met.

Instead of creating a whole new bureaucracy and turning jurisdiction over to the FDA, this legislation maintains the enforcement scheme of current SAMHSA law, extending it to tobacco sales and marketing restrictions and doubling—I underscore doubling—applicable penalties.

These are serious, enforceable measures to combat teenage smoking, but they do not interfere with the legal, private decisions of adults nor do they trample on freedom of speech that the first amendment protects. The same cannot be said for the FDA regulations, which have already sent advertising and tobacco industry lawyers scrambling to the courts setting up lengthy legal challenges where the fight will go on for years and years and years.

I have been told by those familiar with constitutional law that recent appellate court decisions and legal reviews have supported restrictions on the location of advertising but not on the content of the advertising. My bill responds to legal precedent, where FDA regulators have tried to circumvent all legal precedent, attempting to control an advertisement's content affecting not just a teenage publication, but a truck driver's baseball cap or a banker's financial magazine.

Nor does my legislation put an illegal tax on the industry forcing them to use millions and millions of their own dollars to tell the public not to use their product. Can you imagine that? They are going to ask the industry to put up millions to say, "Stop buying our product." Any other industry would go berserk. There is absolutely no other industry in this country that has been ordered—ordered, Madam President—to pay millions to put themselves out of business. Yet the FDA regulations attempt to raise taxes without any act of Congress.

We can address the issues of teen smoking today without new taxes or constitutionally suspect restrictions on advertising rather than waiting years and years and years for the courts to finally settle the matter. When it comes right down to it, whether a teenager gets a pack of cigarettes or not in large part depends on whether an individual store clerk decides to sell it to them. It is already illegal in every State in the this country for that clerk to do so.

But because too many store clerks do not feel pressured to enforce this law, we clearly need to change the current environment and leave no doubt in anyone's mind that it is in their best interest not to sell that pack of cigarettes to a minor. We do that through much tougher penalties and by ensuring that States have the enforcement resources they need to back up these laws.

My legislation also works to reduce the chances that a teenager will ever walk into that store looking to buy a pack of cigarettes in the first place. I think that is what all of us want, from the administration to my tobacco farmers to the American public. The President is clearly committed to making serious inroads on the issue of teenage smoking. And in his press conference before the August recess he stated his backing of the self-supporting tobacco program and of adults' rights to make their own decision with regard to smoking. Unfortunately, overzealous regulators under the direction of David Kessler have done the President and the country a disservice by going way too far beyond simply protecting our young people, and, instead, their regulations infringe on numerous constitutional rights, invade the privacy of average adult Americans, and take the first step on a short road to prohibition.

These overzealous regulators include a clause that essentially gives the FDA total control over tobacco's fate if there is not a 50 percent reduction in teenage tobacco use from 1993 levels—not 1995, but they go back to 1993—within 7 years. In fact, the percentage of teenage tobacco use is already well below the level it was 15 to 20 years ago. While we are willing to discuss additional, reasonable steps, these FDA regulations are nothing more than a guarantee that they are going to be coming back and attempt to expand their jurisdiction even further.

I took the President at his word when he said that he prefers a legislative solution. In this legislation, we have taken one of the toughest State laws on the books regarding advertising,

and one of the toughest State laws on the books regarding vending machine sales and samples as the basis for a serious and enforceable national policy on teenage smoking.

The antismoking advocates talk forcefully about the numbers of teenagers who begin smoking every day. In citing those figures these advocates would be nothing short of negligent if they reject my legislation and allow this issue to be delayed indefinitely by a court fight. They will clearly be choosing a delay over compromise, self-promotion over certain progress.

There is no doubt that this legislation is about compromise. But make no mistake, it does not dodge the responsibility of ending teen tobacco use. I think this legislation represents a serious effort at meeting the President's goals on teenage smoking sooner, rather than later. Equally important, by leaving the FDA out of this process, my legislation will not set a course for tobacco that leads to prohibition.

Madam President, I believe this proposal establishes a framework which, taken in its entirety, is as tough as the toughest State laws on teenage tobacco use in existence today.

I challenge critics to show me a better approach—one equally strong and one equally reasonable. They are guided by common sense, both in the removal of the FDA from the process and in the expansion of laws already on the books. You will not find any new taxes or new bureaucracy, just strong, enforceable measures to end teenage smoking and teenage tobacco use today.

Madam President, I send a copy of my bill to the desk and ask that it be appropriately referred, and I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be received and appropriately referred.

S. 1262

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 "Tobacco Products Control Act of 1995".

SEC. 2. AMENDMENT TO FEDERAL CIGARETTE LABELING AND ADVERTISING ACT.

The Federal Cigarette Labeling and Advertising Act is amended by inserting after section 6 (15 U.S.C. sec. 1335) the following new section:

"ADDITIONAL ADVERTISING RESTRICTIONS

"SEC. 7A. (a)(1) It shall be unlawful to advertise cigarettes on any outdoor billboard that is located within 500 feet of any public or private elementary or secondary school.

"(2) Paragraph (1) shall not apply to any advertisement—

"(A) on any outdoor billboard that is located adjacent to an interstate highway that is directed away from, and not visible from, such elementary or secondary schools or school grounds; or

"(B) that is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

"(b) It shall be unlawful to advertise cigarettes in a newspaper, magazine, periodical or other publication if the subscribers of such publication who are under the age of 18 years constitute more than 15 percent of the total readership of such publication. The Federal Trade Commission shall annually publish a list of the publications that are subject to this subsection.

"(c) No payment shall be made by any cigarette manufacturer or any agent thereof for the placement of any cigarette, cigarette package, or cigarette advertisement as a prop in any motion picture produced for viewing by the general public.

"(d) No cigarette brand name or logo shall be placed in a video or on a video game machine, and no brand name or logo may be placed on or within the premises of family amusement centers.

"(e) As used in this section—

"(1) the term 'family amusement center' means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions;

"(2) the term 'amusement ride or attraction' means—

"(A) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

"(B) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement;

except that such term does not include coin-operated amusement devices that carry no more than 2 individuals, devices regulated by the Federal Aviation Administration, the Federal Railroad Administration (or State railroad administrations), or vessels under the jurisdiction of the Coast Guard (or State division of the water patrol), tractor pulls, auto or motorcycle events, horse shows, rodeos, or other animal shows, games and concessions, nonmechanical playground equipment, or any other devices or structures designated by the Secretary of Health and Human Services; and

"(3) the term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.".

SEC. 3. AMENDMENT TO COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986.

The Comprehensive Smokeless Tobacco Health Education Act of 1986 is amended by inserting after section 3 (15 U.S.C. 4402 et seq.) the following new section:

"ADVERTISING RESTRICTIONS

"SEC. 3A. (a) BILLBOARDS.—

"(1) IN GENERAL.—It shall be unlawful to advertise a smokeless tobacco product on any outdoor billboard that is located within 500 feet of any public or private elementary or secondary school.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any advertisement—

"(A) on any outdoor billboard that is located adjacent to an interstate highway that is directed away from, and not visible from, such elementary or secondary schools or school grounds; and

"(B) that is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

"(b) PERIODICALS.—It shall be unlawful to advertise any smokeless tobacco product in a newspaper, magazine, periodical or other publication if the subscribers of such publication who are under the age of 18 years constitute more than 15 percent of the total readership of such publication. The Federal Trade Commission shall annually publish a list of the publications that are subject to this subsection.

"(c) MOTION PICTURES.—No payment shall be made by any smokeless tobacco manufacturer or any agent thereof for the placement of any smokeless tobacco product, smokeless tobacco package, or smokeless tobacco advertisement as a prop in any motion picture produced for viewing by the general public.

"(d) VIDEO GAMES.—No smokeless tobacco product brand name or logo shall be placed in a video or on a video game machine, and no brand name or logo may be placed on or within the premises of a family amusement center.

"(e) DEFINITIONS.—As used in this section—

"(1) the term 'family amusement center' means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions;

"(2) the term 'amusement ride or attraction' means—

"(A) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

"(B) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement;

except that such term does not include coin-operated amusement devices that carry no more than 2 individuals, devices regulated by the Federal Aviation Administration, the Federal Railroad Administration (or State railroad administrations), or vessels under the jurisdiction of the Coast Guard (or State division of the water patrol), tractor pulls, auto or motorcycle events, horse shows, rodeos, or other animal shows, games and concessions, nonmechanical playground equipment, or any other devices or structures designated by the Secretary of Health and Human Services; and

"(3) the term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.".

SEC. 4. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 1926 of the Public Health Service Act (42 U.S.C. sec. 300x-26) is amended—

(1) in subsection (a)(1), to read as follows:

"(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 1997 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has in effect a law providing that—

"(A) it is unlawful for any manufacturer, retailer, or distributor of cigarettes or smokeless tobacco products to sell or distribute any such product to any individual under the age of 18;

"(B) no person, firm, partnership, company, or corporation shall operate a vending machine which dispenses cigarettes or smokeless tobacco products unless such vending machine is in a location that is in plain view and under the direct supervision

and control of the individual in charge of the location or his or her designated agent or employee;

"(C) the restrictions described in subparagraph (B) shall not apply in the case of a vending machine that is located—

"(i) at a private club;

"(ii) at a bar or bar area of a food service establishment;

"(iii) at a factory, warehouse, tobacco business, or any other place of employment which has an insignificant portion of its regular workforce comprised of individuals under the age of 18 years and only if such machines are located in an area that is not accessible to the general public; or

"(iv) in such other location or made available in another manner that is expressly permitted under applicable State law; and

"(D) it is unlawful for any person engaged in the selling or distribution of cigarettes or smokeless tobacco products for commercial purposes to distribute without charge any cigarettes or smokeless tobacco products, or to distribute coupons which are redeemable for cigarettes or smokeless tobacco products, except that this subparagraph shall not apply in the case of distribution—

"(i) through coupons contained in publications for which advertising is not restricted under section 7A of the Federal Cigarette Labeling and Advertising Act, coupons obtained through the purchase of cigarettes or smokeless tobacco products, or coupons sent through the mail;

"(ii) where individuals can demonstrate, through a photographic identification card, that the individual is at least 18 years of age;

"(iii) in locations that can be separately segregated to deny access to individuals under the age of 18; or

"(iv) through such other manners or at other locations that are expressly permitted under applicable State law.";

(2) in subsection (a)(2)—

(A) by striking "1993" and inserting "1997";

(B) by striking "1994" and inserting "1998"; and

(C) by striking "1995" and inserting "1999";

(3) in subsection (c)—

(A) in paragraph (1), by striking "10 percent" and inserting "20 percent";

(B) in paragraph (2), by striking "20 percent" and inserting "40 percent";

(C) in paragraph (3), by striking "30 percent" and inserting "60 percent"; and

(D) in paragraph (4), by striking "40 percent" and inserting "80 percent";

(4) in subsection (d)—

(A) in paragraph (1), by striking "1995" and inserting "1999"; and

(B) in paragraph (1), by striking "1994" and inserting "1998"; and

(5) by adding at the end thereof the following new subsections:

"(e) ENFORCEMENT.—Any amounts made available to a State through a grant under section 1921 may be used to enforce the laws described in subsection (a).

"(f) DEFINITIONS.—As used in subsection (a)(1), the term 'private club' means an organization with no more than an insignificant portion of its membership comprised of individuals under the age of 18 years that regularly receives dues or payments from its members for the use of space, facilities and services.".

SEC. 5. AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 906. PROHIBITION ON REGULATION OF TOBACCO PRODUCTS.

"Nothing in this Act or any other Act shall provide the Food and Drug Administration with any authority to regulate in any manner tobacco or tobacco products.".

By Mr. CONRAD (for himself, Mr. PRESSLER, Mr. THURMOND, and Mr. INOUYE):

S. 1263. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the Medicare Program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes, to the Committee on Finance.

THE MEDICARE ANESTHESIA SERVICES REFORM ACT

• Mr. CONRAD. Mr. President, today I, along with Senators PRESSLER, THURMOND, and INOUYE, introduce the Medicare Anesthesia Services Reform Act.

Whether the issue is Medicare reform or overall health care reform, our Nation needs to identify and develop efficient, cost-effective methods of delivering health care. But as we seek to cut health care costs, we must be careful to protect the quality of the health care that patients receive. One way to both provide quality care and better utilize our Nation's health care resources is to more appropriately use the services of Certified Registered Nurse Anesthetists—CRNA's.

The Medicare Anesthesia Services Reform Act addresses two important issues affecting the regulation of anesthesia practice as it affects CRNA's. The first defers to State laws in determining whether or not nurse anesthetists must be supervised by a physician. And the second provision provides parity of payment when two anesthesia providers are involved in a single Medicare case. The Act helps CRNA's maximize the use of their skills to provide quality health care to patients.

Nurse anesthetists administer more than 65 percent of the 26 million anesthetics given to patients each year in the United States. They are the sole anesthesia providers in 85 percent of rural hospitals, including all but a handful of counties in North Dakota. CRNA's play an integral role in providing rural medical facilities with obstetrical, surgical, and trauma stabilization capabilities. CRNA's perform the same anesthesia delivery functions as anesthesiologists and work in every setting in which anesthesia is delivered—traditional hospital suites, obstetrical delivery rooms, dentists offices, HMO's ambulatory surgical centers, Veterans Administration facilities, and others.

The first provision in the bill requires the Health Care Financing Administration to defer to State law when determining whether to condition Medicare reimbursement to CRNA's on physician supervision. Medicare's regulations require physician supervision of CRNA's as a condition for hospitals or ambulatory surgical centers to receive Medicare reimbursement, despite many State laws that allow nurse anesthetists to practice without such supervision. In fact, most States do not require physician supervision or direction of nurse anesthetists in the States' nurse practice acts, board of nursing rules and regulations, medical practice acts, or their generic equivalents.

The Federal supervision requirement creates several problems for CRNA's. First, some surgeons have been dissuaded from working with CRNA's, in the face of arguments that the physicians may be subjecting themselves to liability for engaging in supervision. But the truth is, the attending physician is no more legally liable for the CRNA's actions than he or she is for the acts of an anesthesiologist. Second, the Federal restriction is anti-competitive, acting as a disincentive for CRNA's to be utilized. Finally, the restriction creates an inaccurate perception among some surgeons that they have an obligation to direct or control the substantive course of the anesthetic process, even though there is no such obligation.

By eliminating this prescriptive Federal regulation, we can better maximize the use of nurse anesthetists and eliminate the confusion surrounding CRNA supervision. At a time when the Federal Government is deferring to State judgment on a whole host of issues, it seems completely consistent to let States decide how best to use nurse anesthetists, particularly in light of CRNA's long track record of success.

CRNA's have been around for a century. They have been the principal anesthesia providers in combat areas in every war the United States has been engaged in since World War I. CRNA's have received medals and accolades for their dedication, commitment, and competence. And recent studies indicate that better utilization of CRNA's could save the Federal Government as much as $1 billion per year by the year 2010. Clearly, it make sense for the Federal Government to defer to States on an issue that could very well save significant Federal expenses over time.

The second proposal included in the Medicare Anesthesia Services Reform Act applies to fairness in reimbursement to CRNA's and anesthesiologists. Under Medicare's current regulations, if an anesthesiologist and a CRNA work together on one case and Medicare later decides that the use of two anesthesia providers was not medically necessary, neither the hospital nor the CRNA gets paid. Consequently, there is an economic disincentive for hospitals to employ nurse anesthetists, even though they provide such cost effective services.

Obviously, Medicare should not pay for services that are not medically necessary. And our bill would not require Medicare to do so. Rather, it simply requires that anesthesiologists and CRNA's or the hospitals that employ them split the fee equally. If someone works on a Medicare case, he or she should get paid for it.

The problem CRNA's confront is the poor definition of what constitutes "medical necessity." Medical necessity is interpreted on a case-by-case basis, making it easy for Medicare carriers to deny a claim for payment to a CRNA who cannot prove medical necessity. If a claim is denied, then only the anesthesiologist gets paid, even though both the anesthesiologist and the CRNA did the work. That is just not fair.

Last year, I introduced legislation that would have required Medicare to reimburse CRNA's and anesthesiologists based on their contribution to the case. Under that proposal, if a CRNA did more of the work, he or she might get 60 or 70 percent of the payment compared with 30 or 40 percent for the anesthesiologist. If the anesthesiologist did more of the work, he or she would receive a greater percentage of the payment.

Some viewed the provision I proposed last year as too difficult to implement. In addition, during health care reform, I worked with the American Association of Nurse Anesthetists and the American Society of Anesthesiologists to develop a compromise that included the 50–50 split that has been incorporated into this bill. Given the negotiations that occurred last year, I believe it is best to include the 50–50 split provision, rather than the provision that I initially proposed.

Mr. President, this is sensible legislation. It is fair to both CRNA's and anesthesiologists, alike. And it eliminates some significant problems that are creating difficulty for nurse anesthetists and the hospitals that employ them.

Our proposal replaces outdated Medicare regulations and lets hospitals make their individual anesthesia staffing decisions based upon their own needs. It also gives more flexibility to the States. I hope my colleagues will support it.●

By Mr. DASCHLE:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

THE CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT OF 1995

Mr. DASCHLE. Mr. President, today I introduce the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1995. This bill will provide for the development of certain tribal infrastructure projects funded by a trust fund set up for the Crow Creek Tribe within the Department of the Treasury. The trust fund would be capitalized from a percentage of hydropower revenues and would be capped at $27.5 million. The tribe would then receive the interest from the fund to be used according to a development plan prepared in conjunction with the Bureau of Indian Affairs and the Indian Health Service.

The Flood Control Act of 1944 created five massive earthen dams on the Missouri River. This public works project known as the Pick-Sloan Plan provides flood control, irrigation, and hydropower. Four of the Pick-Sloan dams are located in South Dakota.

The impact of the Pick-Sloan plan on the Crow Creek Sioux Tribe has been devastating. The Big Bend and Fort Randall dams created losses to the Crow Creek Tribe for which they have not been adequately compensated. Over 15,000 acres of the tribe's most fertile and productive land, the Missouri River wooded bottom lands, were inundated as a result of the Fort Randall and Big Bend components of the Pick-Sloan project.

By and through the Big Bend Act of 1962, Congress directed the U.S. Army Corps of Engineers and the Department of the Interior to take certain actions to alleviate the problems caused by the dislocation of communities and inundation of tribal resources. These directives were either carried out inadequately or not carried out at all.

Congress established precedent for this legislation in 1992 by the passage of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act which I cosponsored. At that time, Congress determined that the U.S. Army Corps of Engineers failed to provide adequate compensation to the tribes when their land was acquired for the Pick-Sloan projects. There is little controversy on finding that the tribes bore an inordinate share of the cost of implementing the Pick-Sloan program. The Secretary of the Interior established the Joint Tribal Advisory Committee to resolve the inequities and find ways to finance the compensation of tribal claims. As a result, the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act set up a recovery fund financed entirely from a percentage of Pick-Sloan power revenues.

The Crow Creek Sioux Tribe Infrastructure Development Fund Act of 1995 will enable the Crow Creek Tribe to address and improve their infrastructure and will provide the needed resources for further economic development of the Crow Creek Indian Reservation.

This legislation has broad support in South Dakota. Gov. Bill Janklow strongly endorses this proposal to develop the infrastructure at the Crow Creek Indian Reservation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD and a letter from Gov. Bill Janklow.

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

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 "Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1995".

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the Congress approved the Missouri River basin Pick-Sloan project by passing the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.)—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan project, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the western boundary of the Crow Creek Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–916 (72 Stat. 1766 et seq.) authorized the acquisition of 9,418 acres of Indian land on the Crow Creek Indian Reservation for the Fort Randall project and Public Law 87–735 (76 Stat. 704 et seq.) authorized the acquisition of 6,179 acres of Indian land on Crow Creek for the Big Bend project;

(5) Public Law 87–735 (76 Stat. 704 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation, by directing the Secretary of the Army to—

(A) replace, relocate, or reconstruct—

(i) any existing essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters; and

(ii) roads, bridges, and incidental matters or facilities in connection with such facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the Secretary of the Army and the Secretary of the Interior have failed to meet the requirements under Public Law 87–735 (76 Stat. 704 et seq.) with respect to the mitigation of the effects of the Fort Randall and

Big Bend projects on the Crow Creek Indian Reservation;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Crow Creek Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Crow Creek Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan project; and

(9) the Crow Creek Sioux Tribe is entitled to additional benefits of the Missouri River basin Pick-Sloan project, including hydropower revenues and infrastructure development.

SEC. 3. DEFINITIONS.

For the purposes of this Act, unless the context implies otherwise, the following definitions shall apply:

(1) FUND.—The term "Fund" means the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term "plan" means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAMS.—The term "Programs" means the integrated programs of the Eastern Division of the Missouri River basin Pick-Sloan program, administered by the Western Area Power Administration, as determined by the Secretary.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TRIBE.—The term "Tribe" means the Crow Creek Sioux Tribe.

SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Crow Creek Sioux Tribe Infrastructure Development Trust Fund".

(b) FUNDING.—Beginning with fiscal year 1997, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $27,500,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Programs.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b)(2), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under such paragraph and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred to the Secretary under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—

(1) AMOUNTS DEPOSITED IN THE FUND.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(2) AMOUNTS TRANSFERRED TO ACCOUNT.—Except as provided in subsection (d)(2), the Secretary of the Treasury may not transfer or withdraw any amounts transferred to the account established under subsection (d)(1).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, in cooperation with the Secretary of Health and Human Services, acting through the Indian Health Service, and the Crow Creek Tribal Council, shall prepare a plan for the use of payments made to the Tribe under section 4(d)(2).

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(3) APPROVAL OF CROW CREEK TRIBAL COUNCIL.—The plan shall be subject to the approval of the Crow Creek Tribal Council.

(4) SUBMITTAL TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit the plan to Congress.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Crow Creek Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through existing facilities of the Indian Health Service on the Crow Creek Indian Reservation at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Crow Creek Indian Reservation.

(4) IRRIGATION FACILITIES.—The plan shall provide for irrigation facilities for not less than 1,792 acres.

(5) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam in South Dakota.

(6) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Secretary, in consultation with the individuals and entities referred to in subsection (a)(1), considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Missouri River basin Pick-Sloan power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

STATE OF SOUTH DAKOTA,
EXECUTIVE OFFICE, STATE CAPITOL,
Pierre, SD, June 22, 1995.

Hon. DUANE BIG EAGLE,
Chairman of the Crow Creek Sioux Tribe,
Fort Thompson, SD.

DEAR CHAIRMAN BIG EAGLE: Thank you for giving me a copy of the proposed federal legislation that requires the federal government to fulfill the commitments made to the Crow Creek Sioux Tribe in the Big Bend Act of 1962.

I wholeheartedly support this legislation and your efforts to develop Fort Thompson with the infrastructure and community facilities that the Crow Creek community should have received long ago. The method for funding in the bill is fair and I hope a majority of both houses of Congress and the President will realize the importance of passing this bill and signing it into law.

In several different ways, all of the various groups of people who live in South Dakota have not received the benefits promised when the great dams were built in the 1950s. The persistence of the members of the Crow Creek Sioux Tribe to right this wrong is worthy of high praise. Congratulations on creating an excellent proposal.

If there is anything I can do to help you, please let me know.

Sincerely,

WILLIAM J. JANKLOW.

ADDITIONAL COSPONSORS

S. 298

At the request of Mr. DOMENICI, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 298, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 684, A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 771

At the request of Mr. PRYOR, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 851

At the request of Mr. DORGAN, his name was withdrawn as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes.

S. 1086

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

S. 1108

At the request of Mr. SMITH, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1108, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 1219

At the request of Mr. FEINGOLD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1220

At the request of Mrs. BOXER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1246

At the request of Mr. WARNER, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1246, a bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations.

SENATE RESOLUTION 147

At the request of Mr. BRADLEY, his name was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENT NO. 2699

At the request of Mr. BUMPERS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Amendment No. 2699 proposed to H.R. 1976, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

SENATE CONCURRENT RESOLUTION 27—CORRECTING THE ENROLLING OF H.R. 402

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 27

Resolved by the Senate (the House of Representatives concurring)

The Clerk of the House is directed to correct the enrollment of H.R. 402 as follows:

Amended section 109 to read:

"SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native Village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act ("ANCSA"). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island. This section shall become effective on October 1, 1998, unless the United States judicial system determines this village was fraudulently established under ANCSA prior to October 1, 1998."

SENATE RESOLUTION 175—RELATIVE TO THE RECENT ELECTIONS IN HONG KONG

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 175

Whereas the right to a fully elected legislature in Hong Kong is guaranteed by the 1984 Sino-British Joint Declaration on the Question of Hong Kong;

Whereas on September 17, 1995, the people of Hong Kong demonstrated their commitment to democracy by freely expressing their right to vote in the Legislative Council elections; and

Whereas the voters of Hong Kong have overwhelmingly expressed their desire for the establishment of a fully democratic government: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the people of Hong Kong are to be congratulated for exercising their right to vote on September 17, 1995;

(2) the People's Republic of China should respect the clear will of the people of Hong Kong to have a fully democratic government; and

(3) the Chinese government should enter into a dialogue with the democratically elected representatives of the Hong Kong people.

Mr. PRESSLER. Mr. President, when Mr. Christopher Patten became Governor of Hong Kong 3 years ago, he made a very important decision. He decided to allow the people of Hong Kong the opportunity to express their preference on a simple issue: Democracy—yes or no?

As the New York Times editorial today notes, "Hong Kong's voters declared overwhelmingly on Sunday their preference for democracy and their doubts about Beijing's plans for the colony's future." Final returns from Sunday's vote show the Democratic Party led by Mr. Martin Lee won the largest number of seats, 19, in the 60 seat legislative council. Other prodemocracy allies will give Mr. Lee a working majority of 31.

By contrast, pro-Beijing candidates of the Democratic Alliance for the Betterment of Hong Kong won only six seats and the party's top three officials were all defeated. Regrettably, spokesmen for Beijing have not learned to lose gracefully and have resorted to threats and intimidation.

Again Governor Patten has proved to be the best analyst: "Everybody has to recognize that Hong Kong has expressed its views about the present and the future with great clarity."

Mr. President, I am submitting a resolution expressing the sense of the Congress regarding the recent elections in Hong Kong. The resolution congratulates the people of Hong Kong for exercising their right to vote, calls on China to respect the clear will of the people of Hong Kong to have a fully democratic government, and calls on China to enter into a dialogue with the democratically elected representatives of the Hong Kong people.

Mr. President, I ask unanimous consent that number of articles and editorials from the Washington Post, the New York Times, and the Wall Street Journal be printed in the RECORD.

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

[From the Washington Post, Sept. 19, 1995]

REBUFF OF CHINA PROVES SWEEPING—PRO-DEMOCRATIC BLOC IN HONG KONG LEGISLATURE COULD HOLD MAJORITY ON KEY ISSUES

(By Keith B. Richburg)

HONG KONG, Sept. 18.—China and Hong Kong today seemed set for a prolonged period of confrontation after residents here gave a substantial vote of no-confidence to Beijing's preferred legislative candidates, instead of choosing independent-minded lawmakers who are already promising to shout about human rights, free speech and the rule of law as Chinese rule approaches.

Final returns from Sunday's vote showed the Democratic Party, led by lawyer Martin Lee, will be the largest single party in the new legislature, with 19 of 60 seats. Counting other like-minded parties and independents, advocates of democracy who favor standing up to China will form a bloc of at least 27.

Published analyses indicated that on issues involving relations with China, the pro-democratic vote would be a majority of 31. The one clearly pro-China party won six seats.

In a victory press conference today, an elated Lee promised to continue the same kind of tough rhetoric that already has made him China's nemesis in the colony. Lee said the elections proved that Hong Kong people "want legislators who will stand up for them" to protect the territory's freedoms in the coming battles with China's Communist leadership.

Lee said the democracy bloc of the new legislature will use the remaining 21 months of British rule to try to strengthen laws protecting press freedom and free speech, to enact a freedom of information ordinance, and to try again to change a Sino-British agreement for a new supreme court to guarantee that future judges can act with greater independence.

Lee's statements are the sort that most unnerve mainland China, and make it more likely now, in the view of some analysts, that Beijing will take an even tougher stance toward Hong Kong, keeping its vow to jettison the local legislature and possibly even doing away with direct elections entirely after reversion in July 1997.

Pro-China politicians and official Chinese statements from Beijing tried to put the best face on the election results. The leader of the main pro-China party, the Democratic Alliance for the Betterment of Hong Kong (known as DAB), Tsang Yok-sing, explained the loss to reporters by saying the Democrats fielded far more incumbents and had more experience campaigning and organization.

A statement from the official New China News Agency said the elections "showed that hope for a smooth transition and love of the motherland and Hong Kong remain the main trend in Hong Kong." But the agency quoted an official in Beijing of the Hong Kong and Macau Affairs Office as repeating China's vow to dismantle the legislature and replace it with a provisional body whose deputies would be picked by China.

"Beijing will feel more insecure and more suspicious toward Hong Kong," said Joseph Cheng, a political science professor at the City University here. It's likely to result in "a tougher line."

"It seems the Hong Kong people want candidates who dare to criticize China, to provide some checks and balances, or at least to articulate their grievances," he said.

But Cheng said that under the existing colonial system, with most power still resting with the British governor, the new lawmakers may find themselves frustrated over the next 21 months. The legislature may not introduce any bills that would increase government spending, and the governor can ignore the legislature whenever he chooses.

Most analysts said the dismal performance of the main pro-China party suggested a new era of confrontation. Had more of its candidates won seats, the theory goes, China might have felt more comfortable about the idea of direct elections in Hong Kong and less inclined to abolish the legislature when it takes over.

But many of the candidates openly aligned with China were decisively beaten by the democracy advocates. The main pro-China party could manage no more than six seats.

Moreover, the pro-China party's three senior officers—the chairman, the vice chairman and the secretary general—all were crushed. The pro-China candidates together received about 30 percent of the popular vote, compared to more than 60 percent for the Democratic Party politicians.

In other results, the pro-business Liberal Party, which in pursuing commercial interests is likely to vote with them in mind, won 10 seats. The remaining 17 seats also represent interests that might shift according to the issue.

Analysts said the loss of so many pro-China politicians, considered relative moderates, means a likely dominance now of more hard-line Communist voices in Hong Kong's pro-Beijing United Front. The front as a whole took no part in the election, even as the DAB—a part of the front—went its own way on this matter and did so. This could presage a further heightening of the rhetoric and increasing polarization of the political dialogue, these analysts said.

The result also means the political situation is likely to become more confusing in the waning months of British colonial rule. Christopher Patten, the British governor and the man who engineered the changes that made the elections possible, is to remain until the end of June 1997. But the new legislature he helped create can claim it has the legitimacy of the people, since unlike the governor, all 60 members were elected, directly or indirectly.

China has said it will unveil its own "provisional legislature" next year, and although technically it will have no power until the turnover in 1997, it is foreseen as a "shadow legislature" competing with the elected one for influence. And China is also expected to name the team that will run the government in Hong Kong after July 1997, meaning there will also be a shadow executive and cabinet waiting in the wings.

[From the New York Times, Sept. 19, 1995]

CHINA AND HONG KONG VICTORS SQUARE OFF AFTER THE ELECTION

(By Edward A. Gargan)

HONG KONG, September 18.—As jubilant members of Hong Kong's Democratic Party celebrated their sweeping defeat of pro-China parties in legislative elections on Sunday, Beijing renewed its promise that the legislature would be disbanded on July 1, 1997, the day the territory is scheduled to revert to Chinese rule.

"The last legislature of the British administration in Hong Kong will end on June 30, 1997," a spokesman for China's Hong Kong and Macao Affairs Office was quoted as saying today by the New China News Agency. "The attitude of the Chinese Government on this issue is consistent and will not change and will not be influenced by the result of the election."

But members of the Democratic Party, founded in the wake of the 1989 Tiananmen massacre to challenge China's plans for controlling Hong Kong and regarded by Beijing as a subversive organization, refused to accept what appears to be the inevitable demise of their careers as lawmakers.

"This election makes clear the will of Hong Kong," said Martin C.M. Lee, the party's chairman who decisively regained his seat in the Legislative Council. "This election is a referendum on the aspirations of the people of Hong Kong."

"Hong Kong people voted with their hearts and their minds for freedom and genuine democracy," he said. "The elections, in short, are a mandate for democratic government in Hong Kong and real constitutional, legal and human rights reform to ensure basic freedoms in Hong Kong after 1997."

Sunday's elections for the 60-seat Legislative Council, the last under more than a century of British rule, marked the first time that all seats were elected, whether directly or indirectly.

The Democrats took 12 of the 20 directly elected seats, and secured another 7 indirectly elected seats. Another 10 to 12 successful candidates who ran as independents or from smaller parties are regarded as allied to the Democrats, potentially giving the pro-democracy bloc a majority in the new legislature.

Most surprising, commentators said, was the defeat of the pro-China Democratic Alliance for the Betterment of Hong Kong. The party's top three officials were defeated and the party managed to secure only six seats, all but two from indirectly elected constituencies.

"From the Hong Kong people's point of view, the message is quite clear," said Joseph Cheng, a professor at City University of Hong Kong's Contemporary China Research Center. "The Hong Kong people always want a spokesman who can criticize China and who can provide checks and balances."

In their monthlong campaign, the pro-China candidates hammered the theme of their close relationship with the Chinese Government, cautioning Hong Kong voters that their interests would be best served by electing legislators who could communicate well with Beijing. Many Democratic candidates described that campaign as little short of blackmail, a suggestion that seemed to be borne out today in bitter comments by Gary Cheng Kai-nam, the No. 2 official in the pro-China party.

"The Hong Kong people will have to pay for it," he said, referring to the strong showing by the Democratic Party. "We warned that it would be better to see different voices."

Chinese companies, newspapers and the Chinese Government's official presence here, the Hong Kong office of the New China News Agency, were active throughout the campaign in support of the Alliance. Employees in Chinese companies were aggressively lobbied, left-wing unions rallied members to volunteer for Alliance campaigns and the pro-China newspapers daily assailed the Democrats for anti-China attitudes.

But the poor showing by pro-China candidates has created, in many people's views, new problems for China, one put bluntly by Gov. Christopher Patten, the architect of the elections.

"Everybody has to recognize the results," Mr. Patten said at a news conference today. "Everybody has to recognize that Hong Kong has expressed its views about the present and the future with great clarity."

Today, in one of his most forceful comments, Mr. Patten challenged China today to show how the elections violated either agreements reached with Britain or the territory's constitution, the Basic Law.

[From the New York Times, Sept. 19, 1995]

HONG KONG VOTES FOR DEMOCRACY

Hong Kong's voters declared overwhelmingly on Sunday their preference for democracy and their doubts about Beijing's plans for the colony's future. Pro-China candidates lost consistently to members of the Democratic Party, which favors autonomy for Hong Kong after the planned takeover by China in 1997.

Ominously, China quickly threatened to dissolve the newly-elected Legislative Council. Perhaps even more ominously, Gary Cheng Kai-nam, an official of the pro-Chinese Democratic Alliance for the Betterment of Hong Kong, said the colony's six million people would "have to pay for" their choice. It is not in the interest of either Hong Kong or China for Beijing to crush Hong Kong's vibrant economy and developing democracy in 1997.

Britain is to hand Hong Kong over to Beijing's control when the 99-year lease on the colony expires. The agreement governing the terms of the handover was signed in 1984, at a time when China seemed to be liberalizing both its economic and political systems. Hong Kong's political structure then was not strictly democratic, and the prospects for finding a workable accommodation between the two systems seemed difficult but not impossible.

But since the Chinese crackdown on democracy demonstrations in Tiananmen Square in 1989, the match has seemed increasingly awkward. Hong Kong residents showed their revulsion for Beijing's brutality in a one-million-strong demonstration after the tanks rolled through Tiananmen Square. Since then Christopher Patten, Britain's last Hong Kong Governor, has sought to encourage and strengthen democratic institutions. Sunday's balloting was his latest move to cross the Chinese.

If China takes a heavy-handed approach and eliminates the new political institutions that Hong Kong's people clearly want, it risks undermining the business confidence that makes the territory such a valuable asset. Political turmoil is the enemy of a flourishing economy.

Beijing needs to take a longer view. If it wishes to preserve Hong Kong's unique role as a regional financial hub, it must find ways to accommodate its lively, individualistic culture, flavored by its long-term and intimate relationship with Western capitalism. Hong Kong's people, many of them refugees from the mainland, will not be easily silenced.

[From the Wall Street Journal, Sept. 19, 1996]

HONG KONG VOTERS HAND SETBACK TO CANDIDATES BACKED BY BEIJING

(By Peter Stein)

HONG KONG.—Voters here signaled their willingness to stand up to China by giving pro-democracy candidates to the territory's Legislature a landslide victory over their China-backed opponents.

The magnitude of their triumph in the last Hong Kong elections to be held before the British colony reverts to Chinese sovereignty in mid-1997 seemed to take even the pro-democracy camp by surprise. Led by Chairman Martin Lee, the Democratic Party won 19 out of the 25 seats they contested, while allies of the Democrats secured eight more seats in the 60-seat Legislative Council. Before the vote, campaign staff had privately anticipated the party winning about 15 seats.

China-backed candidates fared worse than expected. The pro-China Democratic Alliance for the Betterment of Hong Kong won six seats. But the party's top leadership, including Chairman Tsang Yok Sing, a Marxist schoolteacher, were defeated by pro-democratic candidates.

Sunday's vote, Hong Kong's broadest exercise in democracy, represented the culmination of political reforms first introduced by Gov. Chris Pattern three years ago. Riled by those reforms, China has already vowed to dissolve Hong Kong's Legislature when it takes control of the territory July 1, 1997.

For Hong Kong's pro-democracy camp, which also swept the 1991 elections, the performance was a vindication of its hardline approach to dealing with China. "It has certainly quelled all our doubts as to whether we enjoy the support of the Hong Kong people," Mr. Lee said. The results signaled that "Hong Kong people love democracy, they love the rule of law, they want their rights preserved."

Throughout the campaign, China-backed candidates attacked the Democrats and their allies for their inability to enter into a dialogue with Beijing. Meanwhile, the pro-democracy candidates campaigned on their willingness to stand tough against Beijing on issues such as preserving Hong Kong's rule of law. Democrats campaigned hard against a compromise agreement between China and Britain on Hong Kong's future court of final appeal, which they argue will destroy the independence of Hong Kong's judiciary.

China's official Xinhua news agency, reporting on the election, avoided any mention of the Democrats' victory. "The results of the Hong Kong Legislative Council elections showed that hope for a smooth transition and love of the motherland and Hong Kong remain the main trend in Hong Kong," a Xinhua spokesman was quoted as saying. The spokesman nonetheless branded the elections as "unfair and unreasonable."

[From the Wall Street Journal, Sept. 19, 1995]

ONE CHINA?

Coming on the heels of all the recent thunder out of China, the Hong Kong elections have a significance reaching far beyond one island. Especially since the anti-Beijing outcome is certain to be repeated in legislative elections in Taiwan in December, it's time for the U.S. and other democracies to review the basics of their China policy.

The "one China" policy was originally set out in the famous 1972 Shanghai communique. The U.S. declared that it "acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The United States government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves." (In the same communique, China declared "China will never be a superpower and its opposes hegemony and power politics of any kind.")

When the U.S. established diplomatic relations with Beijing and suspended them with Taiwan in 1978, the joint communique stated that "the people of the United States will maintain cultural, commercial and other unofficial relations with the people of Taiwan." In a unilateral statement at the same time, the U.S. declared that it "expects that the Taiwan issue will be settled peacefully by the Chinese themselves." These understandings were codified into U.S. law by the Taiwan Relations Act of 1979.

In 1982, when the U.S. agreed to reduce arms sales to Taiwan, President Reagan issued a statement that the policy was based on "the full expectation that the approach of the Chinese government to the resolution of the Taiwan issue will continue to be peaceful." He added, a "We will not interfere in this matter or prejudice the free choice of, or put pressure on, the people of Taiwan in this matter."

These are the principles that the U.S. has followed ever since Richard Nixon and Henry Kissinger started the rapprochement with China. They stress above all that reunification should be peaceful. And they include a not-so-tacit premise that reunification is the desire of Chinese people on *both* sides of the Taiwan Strait, a premise that looks increasingly dubious.

To sharpen the point, throughout the history of the "one China" policy the United States has studiously avoided any suggestion that it would participate in forcing Taiwan into China against the will of its people. Of course this is precisely what Beijing wants when *it* talks of "one China" or "sovereignty" or an "internal matter." The course of events is splitting this delicate straddle, and a yes-or-no answer may impend.

This is why China threw a tantrum over the visit to Cornell by Taiwanese President Lee Teng-hui, though to use a college reunion looks like the unofficial relations contemplated by the 1978 communique. The missile tests splashing down north of Taiwan were a clumsy effort to intimidate the electorate there. President Lee has been pushing for more recognition of Taiwan in international organizations such as the World Trade Organization and the International Monetary Fund. The opposition party takes the position that Taiwan already is an independent nation; it holds a third of the parliamentary seats, and expects to gain in December.

China's efforts at intimidation will surely backfire, as they so clearly did in Hong Kong. While branded as "unpatriotic" and "subversive," Hong Kong's Democratic Party carried 12 of 20 contested seats, while like-minded independents took four more. Democratic leader Martin Lee got 80% of the votes in his own constituency, the highest margin of any candidate. The main pro-Beijing grouping, the DAB, captured only two seats, while its chairman and vice chairman were trounced in their races. These results confounded the public opinion polls, no

doubt because residents did not give truthful answers to callers who might be reporting to Beijing.

It's easy enough to understand why voters in Hong Kong or Taiwan would have doubts about being ruled by the present government of China. It's been prone to lurches such as the Cultural Revolution and the post-Tiananmen crackdown. But at the same time, the current Chinese leadership can rightly feel that it has done much for its people over the past decade, by unleashing the economy and hastening development. In particular, an educated middle class has already started to emerge. The shape of China's transition, internal and external, will be determined by Chinese, but America and the Western World can help or hurt the prospects. With the Cold War over, surely there are few more important diplomatic tasks than incorporating a quarter of mankind into a peaceful and prosperous world system.

What China most of all needs from the world's remaining superpower is a constancy that has been sorely lacking. The world would have been far better off if the Clinton Administration had from the first said it would decide who could visit Ithaca. China did in the end release Harry Wu, after all, and has agreed to negotiate a code of conduct concerning the disputed and possibly oil-rich Spratly Islands. Beijing, that is, is perfectly capable of acting responsibly if someone stands up and asks it to.

The U.S. should be telling the Chinese authorities something like this: That the U.S. intends to maintain its historic "one China" policy, wishing the Han people well in efforts to forge one nation, but steadfastly opposing the use of force. That it's unthinkable that the U.S. would try to coerce a democratic Taiwan into an unwilling union, and seeking such an American commitment will be disruptive and counterproductive. That with the incorporation of Hong Kong in 1997, China will have an opportunity to show good faith by keeping its promise of a high degree of autonomy. That bringing Hong Kong to heel, destroying its institutions, is the last policy likely to result in a one China.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 1996

DOLE (AND HELMS) AMENDMENT NO. 2707

Mr. HELMS (for Mr. DOLE for himself and Mr. HELMS) proposed an amendment to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the end of the committee amendment, add the following new title:

TITLE VII—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 701. SHORT TITLE.

This title may be cited as the "Foreign Affairs Reinvention Act of 1995".

SEC. 702. PURPOSES.

The purposes of this title are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

CHAPTER 1—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 711. REORGANIZATION OF THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF REORGANIZATION PLANS.—

(1) IN GENERAL.—The President is authorized to transmit to the appropriate congressional committees a reorganization plan or plans providing for the streamlining and consolidation of the foreign affairs agencies of the United States in order to carry out the purposes of section 702.

(2) ABOLITION OF AT LEAST TWO OF THE INDEPENDENT FOREIGN AFFAIRS AGENCIES.—The authority of paragraph (1) includes the authority to submit a plan providing for—

(A) the abolition of independent foreign affairs agencies which are described in at least two of the following clauses:

(i) The United States Arms Control and Disarmament Agency;

(ii) The United States Information Agency; and

(iii) The Agency for International Development and the International Development Cooperation Agency (exclusive of any component expressly established by statute); and

(B) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under subparagraph (A);

(C) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies abolished pursuant to subparagraph (A) which are classified at each of levels II, III, and IV of the Executive Schedule;

(D) the reorganization and streamlining of the Department of State;

(E) the achievement of a cost savings of at least $3,000,000,000 over 4 years through the consolidation of agencies;

(F) the enhancement of the formulation, coordination, and implementation of policy; and

(G) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints.

(b) PLAN ELEMENTS.—Each plan under subsection (a), consistent with the provisions of this title, shall—

(1) identify the functions of the independent foreign affairs agency or agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agency or agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the agency or agencies, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agency or agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agency or agencies;

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agency or agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department; and

(8) contain a certification by the Director of the Office of Management and Budget that the Director estimates that the plan will achieve a budgetary cost savings to the Federal Government of at least $3,000,000,000 during the first four years after the plan becomes effective.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a), except that—

(1) the President may not withdraw a plan prior to the conclusion of the 60-day period of continuous session of Congress following the date on which the plan is submitted; and

(2) the plan may not establish a new agency or other independent entity within the executive branch of Government.

(d) EFFECTIVE DATE OF PLAN.—(1)(A) A plan transmitted under subsection (a) shall become effective on a date which is 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(B) Except as otherwise provided in this chapter, any provision of a plan submitted under subsection (a) may take effect later than the date on which the plan becomes effective.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—If the President does not transmit to Congress within six months after the date of enactment of this Act a single reorganization plan meeting the requirements of subsection (a)(2), or does not fully implement a plan so transmitted and made effective under this section, then the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency (exclusive of components expressly established by statute or reorganization plan) shall be abolished as of March 1, 1997, and the functions of such agencies shall be transferred in accordance with section 712.

(g) DEFINITIONS.—As used in this section—

(1) the term "foreign affairs agencies" means the Department of State and the independent foreign affairs agencies; and

(2) the term "independent foreign affairs agencies" means such Federal agencies (other than the Department of State) that solely perform functions that are funded under major budget category 150 and includes the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency.

SEC. 712. TRANSFERS OF FUNCTIONS.

(a) DEPARTMENT OF STATE.—In the event of the abolition of the agencies specified in section 711(f) in accordance with that subsection, there are transferred to, and vested in, the Secretary of State on March 1, 1997, all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of such agencies, the agencies themselves, or officers, employees, or components thereof, immediately prior to such date, except as otherwise provided in this section.

(b) BROADCASTING BOARD OF GOVERNORS.—There are transferred to, and vested in, a broadcasting board of governors to be established within the Department of State on March 1, 1997, all functions vested by law in, or exercised by, the Broadcasting Board of Governors of the United States Information Agency as of the day before that date.

SEC. 713. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 714. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) DEPOSITS.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) TRANSFER OF FUNDS TO SECRETARY OF STATE.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 713.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) TREATMENT OF UNOBLIGATED BALANCES.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 715. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 716. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 717. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 718. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 719. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferor agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) DEADLINE FOR TRANSFER.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 720. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 721. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 722. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations,

and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 723. EFFECT ON CONTRACTS AND GRANTS.

(a) PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) EXCEPTION.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) EVALUATION AND TERMINATION OF EXISTING CONTRACTS.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 724. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 725. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 726. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 727. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this title.

SEC. 728. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 729. DEFINITIONS.

For purposes of this chapter, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferee agency" means—

(A) the Department of State, with respect to functions transferred under section 712(a), or as otherwise specified in a reorganization plan under this title; and

(B) the Broadcasting Board of Governors of the Department of State, with respect to functions transferred under section 712(b); and

(6) the term "transferor agency" refers to—

(A) each of the agencies specified in section 711(f), except that in the case of the functions of the Broadcasting Board of Governors, the transferor agency is the Broadcasting Board of Governors within the United States Information Agency; and

(B) Such other agency or instrumentality as may be specified in a reorganization plan under this title.

SEC. 730. LIMITATION ON PERSONNEL STRENGTH OF THE DEPARTMENT OF STATE.

(a) END FISCAL YEAR 1996 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of February 28, 1997, shall not exceed a number which is 9 percent less than the number of such employees who are so employed immediately prior to the date of enactment of this Act.

(b) END FISCAL YEAR 1997 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1997, shall not exceed a number which is 3 percent less than the number of such employees who are authorized to be so employed as of February 28, 1997.

(c) END FISCAL YEAR 1998 LEVELS.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1998, shall not exceed a number which is 2 percent less than the number of such employees who are authorized to be so employed as of September 30, 1997.

CHAPTER 2—COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS

SEC. 741. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

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

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the

executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

BROWN (AND OTHERS) AMENDMENT NO. 2708

Mr. BROWN (for himself, Mr. HARKIN and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of the committee amendment on page 15, line 17 through page 16, line 24, insert the following:

SEC. . CLARIFICATION OF RESTRICTIONS.

(a) IN GENERAL.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking the words "No assistance" and inserting the words "No military assistance";

(B) by striking the words "in which assistance is to be furnished or military equipment or technology" and inserting the words "in which military assistance is to be furnished or military equipment or technology"; and

(C) by striking the words "the proposed United States assistance" and inserting the words "the proposed United States military assistance".

(D) by inserting "(1)" immediately after "(e)"; and

(E) by adding the following new paragraph:

"(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

"(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

"(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

"(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

"(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antitorrism assistance purposes;

"(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.

"(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990."; and

(2) by adding at the end the following new subsections—

"(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

"(g) INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed $25 million."

"(h) BALLISTIC MISSILE SANCTIONS NOT AFFECTED.—Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act."

D'AMATO (AND OTHERS) AMENDMENT NO. 2709

Mr. D'AMATO (for himself, Mr. PRESSLER, Ms. SNOWE, Mr. SARBANES, and Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

LIMITATION ON ASSISTANCE TO TURKEY

SEC.____. Not more than $21,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey.

On page 11, line 10, before the period at the end of the line, insert the following: ": *Provided further*, That $10,000,000 of the funds made available under this heading shall be transferred to, and merged with, the following accounts in the following amounts: $5,000,000 for the Department of the Treasury, and $5,000,000 for the Department of Justice, to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses".

KASSEBAUM (AND OTHERS) AMENDMENT NO. 2710

Mr. MCCONNELL (for Mrs. KASSEBAUM, for herself, Mr. FEINGOLD, and Mr. SIMON) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

LIBERIA

SEC. ____. (a) The Congress finds that—

(1) the war in Liberia begun in 1989 has devastated that country, with more than 150,000 people killed, 800,000 people forced to flee to other countries, and thousands of children conscripted into the rebel armies;

(2) after nearly six years of conflict, on August 19, 1995, the Liberia factions signed a peace agreement in Abuja, Nigeria; and

(3) the Liberian faction leaders and regional powers appear to be committed to the most recent peace accord, including the installation of the new ruling council.

(b) It is the sense of the Congress that the United States should strongly support the peace process in Liberia, including diplomatic engagement, support for the west Africa peacekeeping force, humanitarian assistance, and assistance for demobilizing troops and for the resettlement of refugees.

(c) Section 1(b)(2) of Public Law 102-270 is amended by striking "to implement the Yamoussoukro accord".

REID AMENDMENT NO. 2711

Mr. REID proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION.

(a) TITLE 18 AMENDMENT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(b) INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the following activities:

(A) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(B) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(C) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(2) DEFINITION.—For purposes of this subsection, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(c) EFFECTIVE DATES.—

(1) Subsection (b) shall take effect immediately, and the Secretary of Health and Human Services shall commence carrying it out not later than 90 days after the date of the enactment of this Act.

(2) Subsection (a) shall take effect 180 days after the date of the enactment of this Act.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 2712

Mr. MURKOWSKI (for himself, Mr. MCCAIN, Mr. HELMS, and Mr. NICKLES) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place insert the following:

AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 575. (a) This section may be cited as the "Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act".

(b)(1) The purpose of this section is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(2) Nothing in this section requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

(c)(1) The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(2) No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

(d) None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(e)(1) The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(2) As used in this subsection, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

(f)(1) If North Korea does not maintain the freeze of its graphite-moderated nuclear program as defined in the Agreed Framework, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(A) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(B) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(C) the President shall oppose steps to export heavy oil to North Korea by all other countries in the Korean Peninsula Energy Development Organization.

(2) Whoever violates paragraph (1)(A) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

(g) The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework under the timetable set forth therein, as determined by the Agency after—

(1) conducting inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

(h) The additional requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea no longer meets the criteria for inclusion on the list maintained by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979 of countries the governments of which repeatedly provide support for acts of international terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

(i) The nuclear nonproliferation requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to account fully for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all graphite-based nuclear reactors in North Korea, including reprocessing facilities, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(j) The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

(k) The President may waive the application of subsection (g), (h), (i), or (j) if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

(1) Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(A) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this subtitle;

(B) a statement of the progress made on construction of light-water reactors, including a statement of all contributions, direct and indirect, made by any country to the Korean Peninsula Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(C) a statement of all contributions, direct or indirect, by any country which is not a member of the Korean Peninsula Energy Development Organization for implementation of the Agreed Framework;

(D) a statement of all expenditures made by the Korean Peninsula Energy Development Organization, either directly or indirectly, for implementation of the Agreed Framework;

(E) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in subsection (g);

(F) a statement whether North Korea is transferring missiles or missile technology to other countries, including those countries that are state sponsors of international terrorism;

(G) a description of any new developments or advances in North Korea's nuclear weapons program;

(H) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(I) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(J) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(K) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(L) a description of any action taken by the President under subsection (f)(1)(B).

(2) To the maximum extent possible, the President should submit the report in unclassified form.

(l) As used in this section:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

(3) IAEA SAFEGUARDS.—The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(4) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) INSPECTIONS.—The term "inspections" means inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement, including special inspection of undeclared information or locations if the IAEA cannot account for nuclear material and is therefore unable to verify that there has been no diversion of nuclear materials.

MACK AMENDMENT NO. 2713

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

LIMITATION ON INTER-AMERICAN BANK FINANCING FOR BARBADOS

SEC. _____. The Secretary of the Treasury shall instruct the United States executive director of the Inter-American Development Bank hereafter to work in opposition to, and vote against, any extension by the Bank of any loan or other utilization of the resources of the Bank to or for Barbados until the Government of Barbados agrees to enter into mediation to resolve the claim against it by G.W. Martin, Incorporated, of Pompano Beach, Florida, in connection with work performed under a contract for marine construction.

SPECTER (AND HELMS) AMENDMENT NO. 2714

Mr. MCCONNELL (for Mr. SPECTER, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 81, line 21, strike "paragraph" and insert "paragraphs."

On page 81, line 23, after "enforcement." insert the following:

"(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy."

MCCONNELL AMENDMENT NO. 2715

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 67, line 11, add the following section:

(b) Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under such contracts. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

MACK AMENDMENT NO. 2716

Mr. MCCONNELL (for Mr. MACK) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10, 11 of party I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the support for Eastern Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas private Investment Corporation.

STEVENS AMENDMENT NO. 2717

Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 1868, supra; as follows:

Add the following in the appropriate section:

"To the maximum extent possible, the funds provided by this Act shall be used to provide surveying and mapping related services through contracts entered into through competitive bidding to qualified U.S. contractors."

BINGAMAN AMENDMENT NO. 2718

Mr. MCCONNELL (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

MACK AMENDMENTS NOS. 2719–2721

Mr. MCCONNELL (for Mr. MACK) proposed three amendments to the bill H.R. 1868, supra; as follows:

AMENDMENT NO. 2719

On page 39, after line 19, insert the following: "*Provided further*, That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States."

AMENDMENT NO. 2720

At the appropriate place in the bill, insert the following new section:

SEC. . REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1)—

(1) by inserting "March 31, 1996," after "March 31, 1995,"; and

(2) by striking "and March 31, 2000," and inserting "March 31, 2000, and every year thereafter,".

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that reports required to be submitted under that section on or after the date of enactment of this Act include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

AMENDMENT NO. 2721

At the appropriate place in the bill, insert the following new section:

SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

LEAHY (AND OTHERS) AMENDMENT NO. 2722

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mr. DODD, and Mr. SARBANES) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ———. HONDURAS.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were reportedly 184 unsolved cases of persons who were allegedly "disappeared." They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316, but in its 1983 human rights report the State Department stated that "There are no political prisoners in Honduras."

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly "disappeared" in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

SMITH (AND OTHERS) AMENDMENT NO. 2723

Mr. SMITH (for himself, Mr. THOMAS, Ms. SNOWE, Mr. HELMS, and Mr. DOLE) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of the Committee amendment, add the following:

PROHIBITION ON FINANCIAL ASSISTANCE TO THE SOCIALIST REPUBLIC OF VIETNAM

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to establish most-favored-nation trading status with the Socialist Republic of Vietnam, or to extend financing or other financial assistance to the Socialist Republic of Vietnam from the Export-Import Bank of the United States, Overseas Private Investment Corporation, or Trade and Development Agency unless the President—

(1) provides Congress with the original case-by-case analytical assessments on unaccounted for American servicemen from the Vietnam Conflict which were completed by the Defense POW/MIA Office in July, 1995; and

(2) certifies to Congress that the Socialist Republic of Vietnam is being fully cooperative and fully forthcoming, on the basis of information available to the United States Government, in the four areas stipulated by the President, namely—

(A) concrete results from efforts by Vietnam to recover and repatriate American remains;

(B) continued resolution of discrepancy cases, live-sightings, and field activities,

(C) further assistance in implementing trilateral investigations with the Lao; and

(D) accelerated efforts to provide all documents that will help lead to the fullest possible accounting of POW/MIAs; and

(3) certifies to Congress, after consultation with the Director of Central Intelligence, that the Socialist Republic of Vietnam is being fully forthcoming in providing the United States with access to those portions of wartime Central Committee-level records and reports that pertain to the subject of Americans captured or held during the Vietnam War by North Vietnamese, Pathet Lao, or Vietcong forces in Vietnam, Laos, and Cambodia; and

(4) certifies to Congress that the Government of the Socialist Republic of Vietnam is making substantial progress to address United States concerns about the continued suppression of the nonviolent pursuit of democratic freedoms by the people of Vietnam, including freedom of expression and association, and the continued imprisonment of political and religious leaders, including American citizens.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Derrick Forrister to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy; Patricia Beneke to be Assistant Secretary for Water and Science, Department of the Interior; Eluid Martinez to be Commissioner of the Bureau of Reclamation, Department of the Interior; and Charles William Burton to be a member of the Board of Directors of the United States Enrichment Corporation.

The hearing will take place Thursday, September 28, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, to conduct a markup of the Banking Committee's submission to the Budget Committee for reconciliation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on

Wednesday, September 20, 1995, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 20, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building for a markup of the nomination of Paul M. Homan to be Special Trustee for the Office of Special Trustee for American Indians in the Department of the Interior and to consider the implementation of Title III, Public Law 101–630, the National Indian Forest Resources Management Act.

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

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 10:00 a.m. to hold a hearing on "The Copyright Term Extension Act of 1995, S. 483."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an Executive Session, during the session of the Senate on Wednesday, September 20, 1995, at 9:30 a.m.

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

COMMITTEE ON SMALL BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 2:30 p.m., in room 428A Russell Senate Office Building, to conduct a hearing focusing on Tax Issues Impacting Small Business.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. McCONNELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation at 10:00 a.m. on Wednesday, September 20, 1995. The markup will be held in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT INFORMATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, September 20, 1995, at 2 p.m., in the Dirksen Senate Office Building in room G50, on "Ruby Ridge Incident."

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

ADDITIONAL STATEMENTS

THE CONROY-RENYE-MCNEIL VFW POST 4422: 50 YEARS OF SERVICE TO THE COMMUNITY OF TAYLOR, MI

• Mr. LEVIN. Mr. President, on Saturday, September 23, 1995, the Conroy-Renye-McNeil VFW Post 4422 in Taylor, MI, is holding a special banquet commemorating 50 years of service to the community of Taylor, MI.

VFW Post 4422 was chartered on September 15, 1945 and was named in honor of Army Pvt. Robert Francis Conroy, Marine Buckley Renye and Navy Seaman Robert McNeil. Messrs. Conroy, Renye, and McNeil were the first citizens from Taylor, MI, to lose their lives while bravely serving the United States in World War II.

In honor of these three brave gentlemen from Taylor, MI, and in honor of all of the fine American men and women who served our country in times of war, the members of VFW Post 4422 have dedicated their efforts and resources for the last 50 years to provide community service projects for the Taylor community.

The community service projects that the members of VFW Post 4422 are involved in include: Youth programs, drug awareness programs, Americanism education, programs for senior citizens, programs for needy families and programs for veterans, their families, widows and orphans. The members of post 4422 are also especially proud of their efforts in 1983 when the Post collected and sent 1,500 Christmas gifts to our troops in Beirut.

Mr. President, the members of VFW Post 4422 have not only proudly served our country in military service, but they have continued to serve our country through their commitment to their community. The members of the Conroy-Renye-McNeil VFW Post 4422 deserve the Senate's congratulations as they mark their 50th year of service to the community of Taylor, MI. They also deserve our appreciation and gratitude for all of the good deeds that they have done and continue to do.•

JENNINGS RANDOLPH LAKE PROJECT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, Senate Joint Resolution 20, relating to the Jennings Randolph Lake project; that the resolution be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

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

So the joint resolution (S.J. Res. 20) was deemed read the third time and passed, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87–874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it *Resolved*, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification.".

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be immediately discharged from further consideration of Senate Resolution 147 and that the Senate proceed to its immediate consideration.

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

The bill clerk read as follows:

A resolution (S. Res. 147) designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week", and for other purposes.

The Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 147

Whereas there was 103 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate designates the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week". The Senate requests the President of the United States to issue a proclamation calling on the people of the United States and interested groups to observe the weeks with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

CORRECTING ENROLLMENT OF H.R. 402

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 27, submitted earlier today by Senator MURKOWSKI.

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

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 27) correcting the enrollment of H.R. 402.

The Senate proceeded to consider the concurrent resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the concurrent resolution (S. Con. Res. 27) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring),

The Clerk of the House is directed to correct the enrollment of H.R. 402 as follows:

Amend section 109 to read:

"SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native Village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act ("ANCSA"). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island. This section shall become effective on October 1, 1998, unless the United States judicial system determines this village was fraudulently established under ANCSA prior to October 1, 1998."

Mr. BROWN. Mr. President, we really ought to consider the balanced budget amendment, because things are going too well tonight. [Laughter.]

ORDERS FOR THURSDAY, SEPTEMBER 21, 1995

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Thursday, September 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each.

I further ask unanimous consent that at 10 a.m., the Senate then immediately resume consideration of H.R. 1868, the foreign operations appropriations bill.

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

Mr. BROWN. Mr. President, I further ask unanimous consent that at 10 a.m., the Senate resume the Brown amendment regarding Pakistan under the previous order of 1 hour equally divided, and I ask unanimous consent that the vote occur on the Brown amendment at 11 a.m. on Thursday, September 21, 1995.

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

PROGRAM

Mr. BROWN. Mr. President, for the information of all Senators, the Senate will resume consideration of the foreign operations appropriations bill tomorrow morning. Under the previous order, there will be a rollcall vote at 11 a.m. tomorrow. Additional rollcall votes will occur in relation to the pending appropriations bill throughout Thursday's session of the Senate.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 10:51 p.m., recessed until Thursday, September 21, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1995:

DEPARTMENT OF LABOR

SUSAN ROBINSON KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE DOUG ROSS, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES WILLIAM BLAGG, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE RONALD F. EDERER, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, September 20, 1995*

The House met at 10 a.m.

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

We are thankful, O God, for our traditions, those guidelines of life that help direct our way and remind us of the paths of those who have gone before. We are grateful for the rich history of our Nation and the ideals of our Founders. We pray, gracious God, that we are worthy of the responsibilities we have in our day and faithful to our traditions that justice will flow down as waters and righteousness like an ever-flowing stream. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from New Jersey [Mrs. ROUKEMA] will lead the membership in the Pledge of Allegiance.

Mrs. ROUKEMA led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be fifteen 1-minutes on each side.

DEMOCRATS NOT COMMITTED TO SAVING MEDICARE

(Mr. BALLENGER asked and was given permission to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it occurs to me that liberal Democrats work feverishly at nothing. At times they seem all bent out of shape and exercised beyond belief. It is truly a spectacle to behold. They cry and whine, and whine and cry, but they have proposed not one, not even one, idea to preserve Medicare or Medicaid.

To illustrate my point, this weekend, liberal Democrats will start a series of mock hearings on Medicare. Or should I say fake hearings—as opposed to the dozens of real hearings Congress has held since the release of the Medicare trustees report last April.

Mr. Speaker, it is fitting that Democrats would hold fake hearings because that really gets to the heart of their commitment level to saving and strengthening Medicare.

They would rather pose and posture at a fake hearing than come up with real solutions in the real Congress.

WHY ARE REPUBLICANS AFRAID TO DEBATE THEIR MEDICARE PLAN?

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

Mr. BONIOR. Mr. Speaker, why are the Republicans so afraid to debate their plan on Medicare?

So far this year, we have had 28 days of Whitewater hearings. We have had 2 weeks of hearings on Waco and Ruby Ridge.

Yet, when it comes to deciding the future of a program that affects every single American family, they could only find time for 1 day of hearings.

But I suppose if I had a plan that doubled premiums to $100, took away the choice of doctors, and cut benefits just to pay for tax breaks for the wealthy, I would keep it hidden, too.

Mr. Speaker, the American people deserve better. They deserve at least 4 weeks of debate on Medicare.

The Republicans are trying to steamroll their Medicare plan through this House. I think the American people have a right to ask: what are the Republicans trying to hide?

MEDISCARE

(Mr. KINGSTON asked and was given permission to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, here we are two speeches into the day, and we are already hearing the Democrat Mediscare standard, boiler plate speech. We do not necessarily expect to have their help. It would be nice. Some of the Democrats are in the debate, and it is very good.

Let us just move away from the partisanship, move to an outside party. What does the Washington Post say? The Republican Party is anathema to the Washington Post. It would be the equivalent of a Georgia graduate saying something complimentary about Georgia Tech. So what does the Washington Post say about the Republican plan? Here is an editorial page, September 15; it talks about how great the plan is. I can get anybody who wants a copy of that. How do they describe Democrat Mediscare? Crummy stuff, demagoguery, big time scare tactics, expostulation, some kind of fancy Washington word, irresponsible.

What do they call the Republican plan? Remember, this comes from the Washington Post: Congressional Republicans have confounded the skeptics; it is incredible; it is gutsy; it addresses a genuine problem that only is going to get worse.

Ladies and gentlemen, that is coming from the Washington Post. Maybe the Democrats will get with the program. Who knows.

WHO SAYS IT IS NOT A CUT?

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong objection to the proposed Medicare cuts and in objection to the propaganda we are hearing from the Republicans on their plan. It is not a cut. It is simple mathematics.

The elderly served by Medicare are growing, the population served. Thus, increases in funding are needed to provide services for more people. If you cut from the rate of growth, you either have to push people out or you provide them less services for what they are paying. It is all too simple.

Yet the majority would have us believe the reductions in Medicare are not cuts. Are we going back to the days when seniors had to choose between health care or food on their tables? Let us be honest about it. By cutting a program with a growing population, the result will mean more rationing. Health care will be rationed to those who cannot afford to pay more out of their pocket and will be asked to pay more and more of their fixed incomes or greatly lower their standard of living for seniors.

Ask yourselves these questions: Do you want poor seniors to pay more for less service, choose between health care or food? Do you want your elderly relatives to have surgery in a hospital, pushed to the brink of bankruptcy from cuts in Medicare? Or do you want a surgeon whose training has been reduced because of cuts in Medicare?

WHERE ARE THE DEMOCRATS?

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

Mr. JONES. Mr. Speaker, for decades Medicare has been a vital program that has helped millions of Americans get the medical care they need. Now, the Republicans in Congress are working for an even stronger Medicare system. The Democrats, on the other hand, are only offering scare tactics.

Here are the facts: Under the Republican plan, Medicare spending per beneficiary will increase from $4,800 today to $6,700 in the year 2002. Mr. Speaker, there are no cuts. We are working on a plan to save Medicare from bankruptcy, while increasing benefits for the seniors of America.

Mr. Speaker, this is one of the most important issues that Congress will face this year. Where are the Democrats? The Republicans in Congress have recognized this fact and have chosen to tackle the problem head on. It is our goal that Medicare remains strong for today's seniors and for generations to come.

THE TAXPAYER BILL OF RIGHTS

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is a taxpayer bill of rights coming to the floor. Let me say this: There can be no real taxpayer bill of rights as long as after it is all over a taxpayer is still considered guilty in front of a tax court. That is what is happening.

The IRS is successful once again. They have killed it for years. They say the major problem with the Traficant bill is it is too costly and the Government will lose too much revenue.

Let me ask this of all people here in Washington, DC: If some bureaucrats in a backroom would have scored the Constitution, would we, in fact, have a bill of rights today, ladies and gentlemen? Grand juries are too costly, juries are too expensive.

Let us tell it like it is. The Democrats abandoned taxpayers on this issue. In my opinion Democrats failed. I am a Democrat.

Republicans have a chance to right a major wrong. A taxpayer should be innocent until proven guilty like anybody else, and I should have a chance to bring my bill in the form of an amendment to that taxpayer bill of rights.

INTRODUCTION OF BIF-SAIF BILL

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

Mrs. ROUKEMA. Mr. Speaker, yesterday, I introduced legislation that will have a monumental impact on the financial services industry and depositors. Its purpose is to provide a comprehensive reform of the deposit insurance funds and will merge the bank and thrift charters. This BIF-SAIF legislation reflects the hard work of a bipartisan working group of the Financial Institutions Subcommittee, which I chair, that was developed over the last several months.

Since the spring, the subcommittee has held three hearings on BIF-SAIF. The last of these hearings brought forth strong support for a comprehensive approach to the problem, which this legislation being marked up today represents.

In brief, the legislation provides a financial solution to the problem of the insurance funds similar to that proposed by the administration. It recapitalizes the SAIF and through the use of a one-time special assessment of SAIF members. It spreads the FICO costs proportionately among all members of the FDIC as of the date of enactment. In addition, it merges the BIF-SAIF.

What is critical here, is that it goes beyond the administration-sponsored financial fix and merges the bank and thrift charters on January 1, 1998, requiring thrifts to convert to banks.

This legislation will have a monumental impact on the financial services industry and provides a comprehensive solution to a complex problem. This bill will ensure that we do not see a repeat of the savings and loan debacle of the 1980's. It is a fair and balanced approach that will prevent the need for any future bailouts of the thrift industry.

I urge my colleagues' cosponsorship.

It is of vital concern to the banks the S&L's and the depositors and taxpayers.

REQUEST FOR PUBLIC HEARINGS ON CHANGES TO THE MEDICARE SYSTEM

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

Ms. DELAURO. Mr. Speaker, after months of hiding their Medicare plan from public view, House Republicans are going to give the American people a look, but, be careful not to blink—you might miss it.

Republicans have announced that they will only have a single day of hearings to discuss their plan to radically dismantle the health care system that serves 37 million American seniors. So far this year, Republicans have treated the public to weeks of politically-charged hearings on Whitewater, Waco, and Ruby Ridge. But, when it comes to the largest cut in the history of Medicare, they cannot find the time on the schedule.

So therefore, I ask unanimous consent for the immediate consideration in the House of House Resolution 221, insisting that adequate time be set aside for public hearings on changes to the Medicare system proposed to be included in the reconciliation bill. The American people deserve open, and thorough hearings on the GOP Medicare plan. Two hundred Democrats have cosponsored a resolution calling for 4 weeks of hearings. If Republicans have nothing to hide, they should agree to let the American people judge their proposal on its merits.

Mr. GEKAS. Objection.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Under the Speakers' guidelines, the gentlewoman will not be recognized, because that resolution has been referred to the Committee on Rules and not cleared for consideration.

PARLIAMENTARY INQUIRIES

Mr. DOGGETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Why would a unanimous-consent request to permit the immediate consideration of this resolution not be in order even if it has been referred to a committee.

The SPEAKER pro tempore. The Speaker has announced the following guidelines——

Mr. DOGGETT. This is an announcement by Speaker GINGRICH?

The SPEAKER pro tempore. First by Speaker O'Neill. It has been a continual policy. It has been the policy of the Speakers. Let the Chair quote precisely from section 757 of the Manual:

> The Speaker has announced and enforced a policy of conferring recognition for unanimous consent requests for the consideration of unreported bills and resolutions only when assured that the majority and minority floor and committee leaderships have no objection.

Mr. DOGGETT. Further parliamentary inquiry, the minority leadership has been consulted. Every Democrat has signed on to this proposal to allow us additional time to consider the details of this Medicare plan, and my inquiry would be then if the Democratic minority leadership has agreed to this, it is only the Republican leadership that wants to thwart a fair and open hearing?

The SPEAKER pro tempore. The Chair is not aware of clearance by all necessary Members.

Mr. DOGGETT. All Democratic Members have signed on to this resolution and the ranking member.

Mr. HOKE. Mr. Speaker, point of order.

Mr. DOGGETT. The Democratic membership here is indicating for fair and open hearings.

The SPEAKER pro tempore. The gentleman is no longer asking for a parliamentary inquiry. He can draw his own conclusions. The Chair has stated the fact.

Mr. DOGGETT. Further parliamentary inquiry, what procedure then would be appropriate for a Member, myself or a Member of our leadership, the gentlewoman from Connecticut, to present? What timing, what form would be appropriate to present a unanimous-consent request so that we could have a full hearing on Medicare instead of just 1 day?

The SPEAKER pro tempore. The Chair must be aware of clearance by all the necessary Members, as announced in the Speaker's policy.

□ 1015

Mr. DOGGETT. Further parliamentary inquiry then, Mr. Speaker.

If the Democrat leadership comes to the floor of this House and announces its desire to have this resolution considered immediately, will the unanimous-consent request be accepted at that time?

The SPEAKER pro tempore (Mr. KNOLLENBERG). The Chair will repeat. The Chair will not entertain that request according to the guidelines as a matter of discretionary recognition.

Mr. DOGGETT. So, further parliamentary inquiry, Mr. Speaker.

So a statement then on behalf of the Democrat leadership by the minority leader or by all members of the Democrat caucus that they request that this unanimous-consent request for full and complete Medicare hearings occur, that would not be enough to get it entertained here on the floor.

The SPEAKER pro tempore. Does the gentleman understand the Chair's guidelines? They have been stated at great length.

Mr. DOGGETT. If I understood it, I would not be asking the further parliamentary inquiry.

The SPEAKER pro tempore. The Chair has referred to what is proper. The leadership on both sides must consent to this request, and they have to clear this. It cannot be brought up in this manner.

Mr. DOGGETT. Further parliamentary inquiry, Mr. Speaker.

Unless Speaker GINGRICH clears us having more than 1 day of hearing, it cannot occur. Is that the ruling of the Chair?

The SPEAKER pro tempore. The majority floor leader and the chairman of the Committee on Rules must clear this request.

Mr. DOGGETT. So, unless the Republican chairman of the committee, Mr. SOLOMON, and——

Mr. HOKE. Mr. Speaker, point of order.

Mr. DOGGETT. We cannot take up a full hearing.

ELIMINATING THE FRAUD AND ABUSE WHICH RIDDLES MEDICAID

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

Mrs. SEASTRAND. Mr. Speaker, for years the liberal Congresses have been mandating States to spend billions of dollars on programs. I know because I served in the California State Legislature. One such program is Medicaid, which now consumes nearly one-fifth of our State's budgets. This coupled with the fact that $16 billion a year from this program is lost to fraud and abuse demonstrates the need for genuine reform.

Republicans know that more Washington bureaucracy is not the prescription to save this program. That is why the legislation which we are introducing will give more freedom to State and local officials. And recipients need not fear that they will lose benefits. Our resolution will increase funding to the States by 39 percent over the next 7 years.

Only by dismantling the oversized, inefficient Washington bureaucracy can we eliminate the fraud and abuse which riddles Medicaid. Only by increasing funding to the States can we heal this ailing program.

WHAT'S GOOD FOR THE GOOSE

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

Mr. LEWIS of Georgia. Mr. Speaker, "I am concerned that the scope, authority and independence of the special counsel will be limited by the guidelines the Ethics Committee has established. The House of Representatives, as well as the American public, deserve an investigation which will uncover the truth. At this moment, I am afraid that the apparent restrictions placed on this special counsel will not allow the truth to be uncovered. The rules normally applied by the Ethics Committee to an investigation of a typical member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet a higher standard of public accountability and integrity."

Prophetic words, indeed, Mr. Speaker.

These are the words of the current Speaker of the House in 1988 referring to the investigation of a former Speaker of this House.

POINT OF ORDER

Mr. EHLERS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. EHLERS. Mr. Speaker, I made the point yesterday with precisely the same speaker that it is out of order, according to the House rules, to discuss a matter that is pending before the Committee on Standards of Official Conduct.

Mr. LEWIS of Georgia. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, the words, every single word except for "prophetic words, indeed," Mr. Speaker, that I spoke were the words that the current Speaker spoke in 1988. This is not a reference to the current investigation or the current Speaker.

The SPEAKER pro tempore. The Chair will read the following statement:

> The Chair has consistently ruled that it is not in order during debate to refer to the official conduct of other Members where such conduct is not under consideration in the House by way of a report from the Committee on Standards of Official Conduct or as a question of the privileges of the House.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Speaker, I do so so that, when I speak, I will understand the parameters of that.

As long as the focus is on the powers of a special counsel rather than a particular inquiry before the Committee on Standards of Official Conduct, it would not be out of order?

The SPEAKER pro tempore. The gentleman referred to a particular inquiry pending before the committee.

Mr. DOGGETT. But he can refer to the powers of the committee and the general subject of ethics?

The SPEAKER pro tempore. The Chair would judge those references when they are made.

POINTS OF ORDER

Mrs. SCHROEDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. SCHROEDER. Mr. Speaker, I just want a further clarification.

The gentleman from Georgia [Mr. LEWIS] is saying he is talking about a precedent of prior investigations. He is discussing precedents that were discussed in this House at prior times. Therefore I am not quite sure I understand, under the Speaker's guidance, why he is not allowed to proceed with the precedent and a statement made in 1988. He is not talking about an individual in 1995.

The SPEAKER pro tempore. Members should avoid references to current investigations pending before the Committee on Standards of Official Conduct.

Mrs. SCHROEDER. Further point of order, Mr. Speaker.

Is the Chair saying then no discussion can be made of precedents, and past cases, and how the House proceeded on those past cases?

The SPEAKER pro tempore. Not if related to current matters.

Mr. HOKE. Point of order, Mr. Speaker.

It was clear that the Member had not referenced what he was speaking to. He was clearly alluding to a current investigation that was taking place.

The SPEAKER pro tempore. The Chair has already ruled that the gentleman from Georgia [Mr. LEWIS] should not refer to the current investigation.

Mr. LEWIS of Georgia. Let me conclude, Mr. Speaker, by saying this House and the Speaker cannot tolerate a double standard. What is good for the goose is good for the gander.

NEW MEDICAID APPROACH

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

Mr. EHLERS. Mr. Speaker, there has been a great deal of discussion about Medicare in this Chamber, but I believe it is time to begin the discussion of Medicaid.

I recall when I served on the Michigan legislature some of the oldtimers told me when the original Medicaid bill was passed a Member got up and refused to vote for it. He said, "I predict that someday this State will spend $50 million a year on this program."

Mr. Speaker, he was wrong. Today the State of Michigan is spending $2 billion on that program every year, approximately 20 percent of their general fund budget. That was true for State after State.

In my State of Michigan, Mr. Speaker, when I was in the legislature, it was very frustrating because we knew where we could save money in the Medicaid Program, but the Federal Government refused to give us the freedom to pursue the actions that we wanted to pursue.

I believe it is very important that we proceed with the approach the Republicans are advocating, giving the States leeway in how they go on the program and giving them block grants so they can run it efficiently and properly. I urge that we adopt the new Medicaid approach operating through State block grants.

MEDICARE PREMIUM INCREASE

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

Mr. LEVIN. Mr. Speaker, the biggest Medicare cut in history, $270 billion, and the smallest possible number of hearings, one, and even in that hearing the deck is being loaded. The majority is picking a dozen or so witnesses and letting the minority pick a handful.

What are they trying to hide? The biggest premium increase in Medicare history doubling part B in 7 years, and a lot of people cannot afford this. In Michigan 85 percent of the seniors have income under $25,000 and 70 percent under $15,000.

A constituent wrote this to me:

> Please do not let these cuts to Medicare pass. It really would be very devastating for us. Please, please fight this for us.

That is what we Democrats are doing. We are determined to win this battle that is aimed right at the heart of seniors.

THE FEDERAL SHUTDOWN—NOT 1 MINUTE, NOT 1 SECOND

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

Mrs. MORELLA. Mr. Speaker, today I rise on behalf of millions of Federal workers who have become the unwilling passengers in what has been dubbed the great train wreck; the only thing is, a train wreck is an accident, and this is a situation we can avert.

There is a need to get this country's fiscal house in order. I support this, and it can be done without interfering with the lives of Federal workers. It can be done without the disruption a Government shutdown will have on our citizenry.

Our Federal work force provides this country with unquestionable loyalty and dedication. We remember the Federal worker, devastated and injured after the Oklahoma City bombing, still anguishing over her inability to get checks out to recipients.

Federal workers across the country and in my district do not want a shutdown this year or any subsequent year. They want to work, and I want them working.

The NIH researcher who is working on a possible cure for cancer should not miss work. We need that young woman working. There are people depending on her. I say, not 1 week, not 1 day of missed work.

The DOE scientist who is searching for alternative forms of energy should not miss work, not 1 hour, not 1 minute of missed work.

The education specialist who is designing strategies that will benefit our children should not miss work. Future generations are depending on this man. I say, not 1 second, not 1 fraction of a second of missed work.

The consequences are too great.

OUTSIDE COUNSEL WHEN INVESTIGATING THE SPEAKER SHOULD NOT BE LIMITED IN SCOPE

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

Mr. WARD. Mr. Speaker, we have an Ethics Committee and I would like to offer a primer on how the House should handle ethics cases.

Let me quote from a Member of this House, who also happens to be an experienced expert on ethics cases, who stated in 1988: "The rules normally applied to Members of Congress are insufficient in an investigation of the Speaker of the House." I repeat. He said, "The rules normally applied are insufficient in an investigation of the Speaker of the House." "Clearly, this investigation," he said "has to meet a higher standard of public accountability and integrity."

Mr. Speaker, I believe that this should be the standard by which all ethics cases before this House should be considered. When the House chooses to appoint an outside counsel to investigate a Speaker, that counsel should be allowed to investigate any and all possible wrongdoing and not be limited in scope.

WE CANNOT ALLOW THE GOVERNMENT TO SHUT DOWN

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

Mr. GEKAS. Mr. Speaker, for several terms now I have introduced legislation which cannot pass the Congress of the United States, cannot be enacted into law, because it makes good sense. I have introduced legislation that would avoid the train wreck to which the gentlewoman from Maryland [Mrs. MORELLA] has just referred. What it does is if, on September 30, the Congress of the United States and the President have failed to enact a budget, then automatically into play comes instant replay of last year's budget beginning on October 1.

This prevents for all time the specter of a Government shutdown. At the same time it permits the President and the Congress, if there is disagreement as to the extent of the budget, to continue to work to create a new budget. In the meantime, science goes on, research goes on, the Federal workers stay in place, no havoc is wreaked in the bureaucracy of Washington, although some people would say that might be a good thing. But the point is that we cannot allow the Government to shut down.

□ 1030

REPUBLICAN CHANGES TO MEDICARE AND MEDICAID

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

Mrs. SCHROEDER. Mr. Speaker, out west where I came from people used to worry about snake oil salesmen, but we pretty much got that under control. Now we have a new type of snake oil salesmen on the other side of the aisle.

I think we heard in prior discussions going on this morning that we are not going to be allowed to discuss their compassionate, wonderful, no pain changes to Medicare and Medicaid. We are just to trust them.

We are going to have 1 day of hearing. My fast math says that is about 1 minute per every 120 pages of changes they have in their bill. Oh, I am sure we will get it.

I want to tell my colleagues, as a Westerner who grew up with the tradition of snake oil salesmen, that we thought were behind us, beware. Beware. If their cuts are so painless, so harmless, so futuristic, so wonderful, why can we not have time to look at them? Why can we not air them in the sunshine? This should not be a fungus, this should be a bill.

REFORM IN THE SUGAR PROGRAM

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

Mr. MILLER of Florida. Mr. Speaker, today the Committee on Agriculture begins markup of the 1995 farm bill. I am concerned that the Committee on Agriculture is trading real reform in some commodity programs in exchange for no reform in the sugar program.

The proposal put forth by the sugar growers, which the committee intends to adopt, is not real reform. It continues a big Government program that forces the American consumer to pay double the world price for sugar. The sugar program will continue to cost American consumers $1.4 billion every year and continue to add $90 million to our deficit every year.

The Republican Party is committed to putting every program except Social Security on the table, and we want to have the right to debate the sugar program. Chairman ROBERTS is an honorable man and I trust he will keep his word to me and permit debate and vote on the sugar program.

Mr. Speaker, my bill to repeal the sugar program has 104 cosponsors, Democrats and Republicans. My bill to repeal the sugar program is real reform. The House has not considered the program since 1990. If we do not get a chance this year, it will be 2002 before we get a chance.

HEARINGS ON THE FUTURE OF MEDICARE

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

Ms. PELOSI. Mr. Speaker, when Medicare was created in 1965, seniors came from all over the United States to testify before Congress as to how to meet the health care financing needs of our Nation's elderly. As we reconsider the future of Medicare for 37 million Americans, our seniors, indeed all Americans, deserve the right to a fair and open period of public comment on an issue of concern to every family in America.

Yet as the Republicans are about to embark on the most significant changes in the Medicare system, in Medicare's history, by proposing a $270 billion cut in Medicare, the Republicans are blanking out America's voices. How unfortunate that the Republicans intend to hold only 1 day of hearings on a proposal that the American people, and especially American seniors, have yet to see. This is fundamentally unfair.

Mr. Speaker, a great Republican President hailed our democracy as a government of the people, by the people, and for the people. Our democracy is not just about free elections of representatives, it is about citizen participation in a free and open process in the formulation of public policy. Given the magnitude of the $270 billion cut, our citizens deserve better.

FEDERAL FUNDS FOR NATIONAL COUNCIL OF SENIOR CITIZENS

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

Mr. LONGLEY. Mr. Speaker, I understand that being attacked and engaging in political debate is part of the terrain one deals with when one assumes this type of office, but imagine my surprise when I obtained a copy of the tax return of the National Council of Senior Citizens, a group which is currently orchestrating a tax on me in my district, which shows that they received nearly $73 million in Federal funds for the year ending June 30, 1994, almost 96 percent of their budget, from the Federal Government.

Furthermore, I obtained information that over the last two election cycles they had contributed nearly $417,000 exclusively to Democratic candidates. Not one red cent to a Republican candidate.

Again, it is a citizen's right to express their first amendment point of view, but is there a connection?

I also obtained a copy of the audit report of the National Council wherein they say in their report that the heavy reliance on governmental grants poses a potential danger to the long-term structure of the National Council. Absent such grants, the council would be unable to continue its current level of operations without seeking new revenue sources.

MORE HEARINGS NEEDED ON MEDICARE AND MEDICAID

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

Mr. WISE. Mr. Speaker, when I held a town meeting on Medicare last week in West Virginia, there was justifiable and understandable confusion about the details. Republicans want to cut $270 billion over 7 years. Democrats say somewhere between $90 and $120 billion will be enough. The Republicans argue do they want to take the difference and give it to a tax cut?

Mr. Speaker, people have genuine questions, yet on something like this there ought to be more than 1 day of hearings, on programs such as Medicare and Medicaid, that affect 70 million Americans. Almost 700,000 West Virginians alone will have their health care somehow brought into question, whether senior citizens or Medicaid recipients. They deserve more than health stealth.

This is a B–2 bomber. I know why they like it on the other side. They like it because it is flying low on the radar screen with no details out there. They plopped the plan out on the table yesterday and they will mark it up today with no hearings on Medicaid, a program that affects 400,000 West Virginians. They want to do the same on Medicare with 300,000 West Virginians affected.

Mr. Speaker, surely the single greatest changes in America's health care plans deserve more than 1 day of hearings.

REPEAL OF GOVERNMENT SUGAR PROGRAM

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

Mr. DAVIS. Mr. Speaker, I rise today to discuss the repeal of the Government sugar program. There is no plausible reason why our Government is involved with setting and controlling the price of sugar. It is Big Government at its worst. It is a sweet deal for a wealthy few. It promotes the destruction of one of our prized environmental landmarks—the Florida Everglades.

Because of this program, every citizen pays a hidden tax that takes money out of the pockets of American consumers to the tune of more than $1.4 billion every year in higher food prices, according to GAO. This hidden tax has cost Americans more than $10 billion over the last decade. In addition, the consumer interest group Public Voice has recently estimated that the sugar program has cost the Federal Government $110 million annually because of higher purchase prices for sugar and sugar containing products used in domestic feeding and food programs. This is money that my constituents could be saving, investing, or using to buy needed items for their families and children. But because of this program, they must pay higher prices on everything containing

sugar—all because of the Federal Government interfering in the marketplace.

This fall the House will be debating a new farm bill. We will also be debating the budget reconciliation bill that will balance the Federal budget in 7 years, which will force substantial cuts in farm commodity programs such as wheat, dairy, corn, cotton, and rice. While these programs have faced cuts on average of 40 percent since 1985, sugar has not been cut one iota. This is simply unacceptable.

Mr. Speaker, I urge my colleagues to vote for repeal of this program.

THE CONTRACT WITH AMERICA: WHAT IT MEANS FOR MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BROWN of Ohio. Mr. Speaker, three things will happen if the Republicans get their way with Medicare. No. 1, senior citizens will pay more in premiums. Hold on to your wallet, because House Republicans under NEWT GINGRICH have proposed a 100-percent increase in the monthly Medicare premium. That is right, a 100-percent increase, the largest premium increase in Medicare history.

The second thing that will happen is senior citizens will find it harder to choose their own doctor. Senate Republicans would try to push people into managed care, taking away their right to physician choice.

The third thing that will happen, Mr. Speaker, if Republicans get their way with Medicare, is that the American middle class will subsidize a huge tax break for the richest Americans.

We are starting to see the main effect of the Contract With America, a shift of money from the middle class to the rich. The Gingrich gravy train means at least $245 billion in tax breaks for the wealthiest Americans. And guess who pays the bill?

Mr. Speaker, Gingrich Republicans want to give the American people the largest Medicare cut in American history. It is simply not right.

WASHINGTON POST SUPPORTS REPUBLICANS ON MEDICARE

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

Mr. HOKE. Mr. Speaker, I do not normally go around quoting the Washington Post, because normally it does not agree with the way I see things, being a liberal paper of record. But look what they have said just 2 days ago about exactly what my friend from Ohio, prior speaker, was just talking about. It is called medagogues.

Newt Gingrich and Bob Dole accused the Democrats and their allies yesterday of conducting a campaign based on distortion and fear. They are right. That is precisely what the Democrats are doing. It is pretty much all they are doing, and it is crummy stuff.

Crummy stuff. Those are tough words.

It is crummy stuff. They are absolutely right. And that is exactly what we hear day after day after day from the other side of the aisle.

The fact is, we are trying to simplify. We are preserving, saving, and improving Medicare and, again, that is exactly what they say.

The Republicans have a plan. It is credible. It is gutsy, it is inventive, it addresses a genuine problem that is only going to get worse. What the Democrats have instead is a lot of expostulation, TV ads, and scare talk. It is demagoguery big time.

KEEP GOVERNMENT RUNNING

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

Mr. HOYER. Mr. Speaker, Speaker GINGRICH says we do not want to shut down the Federal Government. The majority leader says we do not want to shut down the Federal Government. President Clinton says we do not want to shut down the Federal Government.

Mr. Speaker, I offered an amendment in the Treasury-Postal bill last Wednesday which said we will continue the operations of Government because nobody wants to shut it down. They may want to reduce this program or cut out this program, but they want the Government to continue to serve Americans.

Why then, on almost a party line vote, when we have bipartisan support, the gentleman from Virginia [Mr. DAVIS], the gentleman from Virginia [Mr. WOLF], the gentleman from Maryland [Mr. WYNN], the gentlewoman from Maryland [Mrs. MORELLA], and others of us on both sides of the aisle, say nobody intends to shut down the Federal Government.

Why then do we not pass just a simple little bill that says we are not going to put this into politics. We will not play with people's lives, their ability to fund their mortgages, their food payments, their college tuition loans? Let us act responsibly. Let us keep our Government running. Let us pass the continuing resolution now.

PRESERVING MEDICARE

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

Mr. DICKEY. Mr. Speaker, last April the Medicare trustees reported that if nothing was done to Medicare, that it would go bankrupt. What we have is a proposition that we are making to try to preserve Medicare. The opposition comes and says, no that is terrible, and presents all these scare tactics.

But I think we are in a step process. What I believe is that we do have the knowledge on the side of those people who are opposing these modifications, we do have that knowledge that comes from having control of the Medicare Program for 30 or 40 years.

These people know where we can make modifications, slow down the increases, and save Medicare. What we are probably doing right now is trying to get their attention. They are probably saying, "We do not believe they are going to do it. But if they do it, we can go in there and help."

I ask those people who are opposed to those changes we are trying to make to help us with specific information that you all have so that we can help the American people and save Medicare. That is what we are trying to do.

MORE TIME NEEDED FOR MEDICARE HEARINGS

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

Mr. DOGGETT. Mr. Speaker, it is September 20 and another day has passed, and not one Republican has been willing to come to the floor of this House and level with the American people by spelling out the details of how far they plan to reach into the pockets of American seniors and cut Medicare. I have come to the conclusion it is because most of them do not have the slightest idea. They just know they are on a mission for NEWT to cut $270 billion out of Medicare, and they do not want the details to get in the way.

Mr. Speaker, we are told that this afternoon they are going to finally spell out some of the details at some staff briefing, and then they will have a 1-day stacked hearing on it tomorrow, all that the American people will get to see in hearings on this plan.

They spent 28 days on Whitewater. Why just have 1 day, unless it is to whitewash this bad Republican cut in Medicare?

Mr. Speaker, I think as long as the Republicans are unwilling to have a genuine bipartisan discussion in hearings, as we have proposed with extended hearings, there is no reason for this House to meet. It ought to adjourn until the Republicans begin a real bipartisan discussion of how to reform Medicare.

□ 1045

COMMISSION TO INVESTIGATE GAMBLING IN AMERICA

(Mr. WOLF asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, I have a bill in now on which we have 53 cosponsors, bipartisan, which would set up a national commission to study the impact of gambling on the country.

Gambling is beginning to corrupt this country. It is spreading from two States 20 years ago to 48 States, and it is destroying the American family. Also the gambling interests are now hiring prominent political people of both parties to represent their interests.

We now have 53 cosponsors on this bill. The gentleman from Illinois, HENRY HYDE, has promised us hearings next week. I would ask and urge all Members of the Congress, Republican, Democrat, liberal, and conservative, to cosponsor this bill, so we can pass a bill that studies the impact of gambling, so when local boards of supervisors look, they know what the impact will be.

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

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I want to commend my colleague for raising this issue, and I want to ask him to put me on this resolution. I think this is far overdue.

Mr. WOLF. Mr. Speaker, I will put the gentleman on, and urge all other Members to sign on.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, since we are not able to bring up the resolution with respect to hearings on Medicare, and we have no other choice on this side, I offer a privileged motion.

The SPEAKER pro tempore (Mr. KNOLLENBERG). The Clerk will report the motion.

The Clerk read as follows:

Mr. BONIOR moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant of Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 167, nays 237, not voting 30, as follows:

[Roll No. 672]

YEAS—167

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Miller (CA)
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tejeda
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Callahan
Chapman
Clayton
Collins (IL)
DeFazio
Diaz-Balart
Dornan
Fattah
Fields (TX)
Jefferson
Kennedy (MA)
Martinez
Meek
Mfume
Moakley
Moran
Murtha
Owens
Oxley
Payne (NJ)
Porter
Reynolds
Sisisky
Smith (WA)
Stokes
Thompson
Tucker
Waldholtz
Williams
Young (AK)

□ 1108

Messrs. FLANAGAN, MILLER of Florida, and STOCKMAN changed their vote from "yea" to "nay."

Mr. NEY and Mr. HILLEARY changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall vote No. 672 on the motion to adjourn, I was unavoidably detained. Had I been present I would have voted "yea."

REQUEST FOR PERMISSION FOR SUNDRY COMMITTEES AND SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Agriculture, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Resources, the Committee on Science, and the Committee on Veterans' Affairs.

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

Mr. WISE. Mr. Speaker, reserving the right to object, I might note that all of these committees are sitting. We would like to actually have them sitting a little more and holding hearings on Medicare and Medicaid rather than the one hearing on Medicare they will be getting and the no hearings on Medicaid. Apparently, they are not going to sit. We are not going to delay that process, but everyone should know the train is rolling here. We think it is a sad day when you cannot have hearings on health matters that affect 70 million Americans.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. GIBBONS. Mr. Speaker, reserving the right to object, and I may object, I think it is a legislative sin and a shame that you have been in control of this House for 10 months, you have been promising a Medicare bill for 10 months, and today nobody has seen a copy of that bill. That is the most complicated piece of legislation that this Congress will take up this year.

You are trying to sneak it past us, very cleverly, very stealthily, without any hearings. No one will understand it. No one will understand it.

Look at me now, how can you do such a thing and then come here and ask unanimous consent that people can work while other things are going on? That is the most ridiculous argument I have ever heard.

The silence, the silence of the Republican side is typical of the silence that they have had all along on this Medicare proposal. They are going to take $270 billion out of the pockets of Medicare people and put it into the hands of the very rich constituents. You know that is what you are doing, and you will not give us any hearings, 1 day, and we do not even have a bill to have a hearing on. What a joke. What a joke.

We are going to have a Medicare hearing on Thursday, and we do not even have a bill. Shame.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Chair will state that it requires 10 Members to object.

Mr. GIBBONS. Will the gentleman from Texas tell us where the bill is?

The SPEAKER pro tempore. The gentleman is out of order.

(Messrs. WISE, WAXMAN, GIBBONS, FAZIO of California, FROST, LEVIN, BONIOR, HEFNER, OBEY, and SABO also objected.)

The SPEAKER pro tempore. A sufficient number has objected.

Objection is heard.

MOTION FOR PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT TODAY AND THE REMAINDER OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to clause 2(I) of rule XI, Mr. ARMEY moves that all committees and subcommittees of the House be permitted to sit today and for the remainder of the week while the House is meeting in the Committee of the Whole House under the 5-minute rule.

PARLIAMENTARY INQUIRY

Mr. WISE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. WISE. Mr. Speaker, parliamentary inquiry.

Mr. ARMEY. I am sorry. It has been necessary——

Mr. WISE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from West Virginia will state his parliamentary inquiry.

Mr. ARMEY. Mr. Speaker, I do not yield for that purpose.

Mr. WISE. For a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman does not yield.

Mr. WISE. Mr. Speaker, parliamentary inquiry. The Chair makes that decision. Parliamentary inquiry.

The SPEAKER pro tempore. Let us have order.

Mr. WISE. The gentleman does not yield for a parliamentary inquiry.

Mr. GIBBONS. In other words, we have been gagged, we have been stonewalled, and now we are being gagged. Is that it? Is that it, I ask the gentleman from Texas [Mr. ARMEY], stonewalling us? You have been stonewalling us for 10 months.

Mr. ARMEY. Mr. Speaker, I believe I control the time.

The SPEAKER pro tempore. The Chair is ready to rule. The parliamentary inquiry was sought before the time was given to the majority leader.

Mr. WISE. I thank the Chair. Parliamentary inquiry, is the Chair or is the gentleman going to, or does this side receive the customary 30 minutes in debate on this matter?

Mr. LINDER. That is not a parliamentary inquiry. Furthermore, the gentleman from Texas did not yield for that.

The SPEAKER pro tempore. That is up to the majority leader.

Does the majority leader yield?

Mr. ARMEY. Mr. Speaker, I do appreciate the inquiry made by the gentleman from West Virginia, and for whatever time I speak on my privileged motion, I will see to it that the gentleman from West Virginia is given twice as much time as I take.

Mr. Speaker, am I recognized to speak on my motion?

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

□ 1115

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

Mr. Speaker, let me again reiterate the fact that whatever time I spend speaking on this motion I will grant to the gentleman from West Virginia twice as much time as I take. This is an important motion. I am sorry it has become necessary to do so. We do want to, at least when we are operating within the Chamber, do so in an orderly fashion while we allow the remainder of work of Congress to go forward.

Mr. Speaker, I reserve the balance of my time with the reservation that the timekeeper report to me such time as I used to this point, and I will yield that amount of time to the gentleman from West Virginia [Mr. WISE] for purposes of debate only.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Texas [Mr. ARMEY] consumed 30 seconds.

Mr. ARMEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, what is at issue here and what the gentleman from Florida [Mr. GIBBONS] has raised is the fact that we are just going to approve a number of committees sitting. Now they are sitting on some important matters, some not as important. None of them is as important as health care that affects 70 million Americans. Thirty-seven million Americans affected by Medicare, that receives one hearing on Thursday, Medicaid, which is being marked up, as I understand, today by the Committee on Commerce; the bill dropped on the floor yesterday affects roughly 31 to 32 million Americans.

Mr. Speaker, clearly it is outrageous that we can have 6 days of hearings on the National Highway System that we will take up in a minute, we can only have 1 day of hearings on Medicare, and none on Medicaid, and both make the National Highway System, as important as I think it is, pale by significance in dollars and in impact.

So, I would just urge Members to reflect on this and urge that we go ahead with the Dingell resolution, which will provide 4 weeks of hearings. I think, if we are going to change the health programs that affect the largest number of

Americans, have been in place for 30 years, we should get more than 1 day of hearings.

The SPEAKER pro tempore. The time of the gentleman from West Virginia [Mr. WISE] has expired.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 175, not voting 16, as follows:

[Roll No. 673]

YEAS—243

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—175

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Chapman
Clayton
Clement
Fields (TX)
Flake
Jefferson
Kennedy (MA)
Meek
Mfume
Moakley
Payne (NJ)
Reynolds
Sisisky
Thompson
Tucker
Waters

□ 1137

Messrs. KENNEDY of Rhode Island, SPRATT, and CONYERS changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 224

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 2349. That amendment in the nature of a substitute shall be considered by title rather than by section. The first two sections and each title shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 1(q)(10) of rule X, clause 5(a) of rule XXI, or section 302(f) of the congressional Budget Act of 1974 are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text. During further consideration of the bill for amendment, the Chairman of the Committee of the whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments

so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 224 is an open rule providing for the consideration of H.R. 2274, the National Highway System Designation Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order an amendment in the nature of a substitute as an original bill for the purpose of amendment consisting of the text of H.R. 2349. The substitute shall be considered by title rather than by section, and the first two sections and each title shall be considered as read.

The rule waives section 302(f) of the Congressional Budget Act of 1974, prohibiting consideration of legislation providing new budget authority in excess of a committee's allocation, against consideration of the bill and against the amendment in the nature of a substitute.

Also, the rule waives clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, and clause 1(q)(10) of rule X, prohibiting inclusion in a general roads bill of provisions addressing specific roads, against the amendment in the nature of a substitute.

The rule further provides for the consideration of the manager's amendment printed in the Rules Committee report. The amendment is considered as read, and is debatable for 10 minutes equally divided between the proponent and an opponent. All points of order against the amendment are waived. If adopted, the amendment is considered as part of the base text for the purpose of further amendment.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, as a freshman Member of Congress back in 1963, I proudly served on the Public Works Committee. I developed a high respect for the difficult and important work done by the committee. They did a great job back then, and that hasn't changed. Chairman BUD SHUSTER and the other members of the committee have done an outstanding job in putting together this important bill. As always, the committee worked with a bipartisan spirit and I strongly support this legislation.

The establishment of the National Highway System is essential to ensure the necessary infrastructure to carry people and goods safely and efficiently across the country will into the 21st century.

I understand that an agreement was made to allow a vote on taking the trust funds off budget at a later time. I personally support taking the various transportation trust funds off budget, but I don't want to see this legislation stalled because of those provisions, and I look forward to voting on this issue sometime in the near future.

There are some concerns over certain provisions of this bill, such as repealing the maximum speed limit and helmet penalties. This open rule will allow all Members to fully participate in the amendment process, and I urge its adoption.

Mr. Speaker, I insert extraneous materials into the RECORD as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 19, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	47	74
Modified Closed [3]	49	47	15	23
Closed [4]	9	9	2	3
Totals	104	100	64	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security RevitSecurity Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A:21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95)
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95)
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95)
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95)
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95)
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95)
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95)
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

□ 1145

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

Mr. Speaker, I rise in support of House Resolution 224 and in support of H.R. 2274. This is urgent legislation and I urge its quick passage in order to protect the funds for the Nation's highway system. The Transportation Committee is to be commended for bringing forward a bipartisan bill which is truly in the Nation's interest. While there are several issues which are controversial, most notably the repeal of the Federal speed limit and the motorcycle helmet requirement, this open rule will allow the House to fully debate these and other issues.

However, in spite of my support for this rule, it is my intention to call for a no vote on the previous question for this resolution. Mr. Speaker, tomorrow the Committee on Ways and Means is holding its only day of hearings on proposals to cut Medicare by $270 billion. In spite of the fact that my Democratic colleagues on Ways and Means have objected in the strongest possible terms to giving these enormous changes such short shift, the Republican majority has not seen fit to give the public the opportunity to fully digest and comment on their proposal. And, I might add, no one has actually seen any text and clairvoyance is required to comment on the specifics of the Republican proposal. For that reason, Mr. Speaker, I will call for a no vote on the previous question in order to allow an amendment to the rule to permit the consideration of House Resolution 221, a resolution sponsored by 201 Members calling for additional hearings on Medicare legislation.

As I stated at the outset, I support the open rule providing for the consideration of H.R. 2274. Mr. Speaker, I especially want to thank the Transportation Committee for their designation of Interstate 35 as a congressional high priority highway. This road, which runs through the middle of my congressional district, stretches from Laredo, TX at the Mexican border, to Duluth, MN, at the Canadian border. It also connects by a trunk road with the transportation facilities in Kansas City, MO. I–35 is a vital transportation link between the three NAFTA partner-nations and has rightfully been called a river of trade.

Because of the lack of adequate rail systems in Mexico, highways are truly a vital link for that Nation's trade to the north. In fact, approximately 74 percent of Mexico's trade with the United States travels on our highways and more than half of that amount crosses the border at Laredo.

Interstate 35 benefits every State and every community along its 1,500 mile route because trade is truly a two-way street. United States and Mexican officials are predicting a doubling of trade between now and the year 2000 and another doubling by 2010. Texas commerce with Mexico accounted for $20.3 billion in exports in 1992, and Oklahoma's exports to Mexico in 1993 totaled $158 million up 226 percent from 1989 levels. Running through the Nation's midsection, I–35 links the entire United States with Canadian and Mexican markets through rail, air and truck links.

It is the hope of the multistate I–35 Corridor Coalition that the designation of I–35 as a high priority corridor is just a first step toward the eventual designation of this vital transportation link as the International NAFTA Superhighway. With increased trade will come increased traffic and a need for enhanced safety mechanisms as well as construction and maintenance of the roadway. I–35 is currently the only fully constructed north-south Interstate link between Mexico and Canada and its high priority designation will enhance efforts to improve the road to accommodate the increase in commercial traffic that has begun and promises only to grow.

Mr. Speaker, I would also like to take the opportunity to salute my friend and colleague, NORM MINETA. His service to the Congress and particularly to the transportation needs of this great Nation has been a model of dedication and high-mindedness. He has been both a champion of noble causes and a workhorse in the day-to-day business of the House. Our country and this Congress are far better because of him and he will be missed. I salute you NORM and wish you well as you take leave of us.

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

The SPEAKER pro tempore (Mr. DICKEY). The Chair joins in recognition of the gentleman from California [Mr. MINETA].

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], a very valuable member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this open rule for H.R. 2274, the National Highway Designation System Act of 1995. As a member of the Committee on Rules, I am very pleased we are bringing to the floor today yet another open rule, one which will permit the House to have a thorough and complete debate on this very important, timely legislation. This resolution honors our commitment to an open amendment process, and by including a preprinting option, the committee continues to encourage Members to make their amendments available for their colleagues to review before debate begins on the House floor.

While the focus of this legislation is to designate the National Highway System, it also takes a much-needed step to provide immediate relief from a number of costly Federal mandates or requirements put in place by ISTEA in 1991. I would like to express my thanks to the gentleman from Pennsylvania, Chairman SHUSTER, and to other members of the Committee on Transportation and Infrastructure, especially my colleague from Mississippi, Mr. PARKER, for a thoughtful reconsideration of and for working to include in this bill a provision to repeal the so-called crumb rubber mandate.

Well intended, and enacted as an incentive to encourage the use of recycled paving material, the crumb rubber mandate also carried with it a heavy penalty for noncompliance. But the universal application of crumb rubber has, at its best, met with mixed results. For example, what works in warmer climates does not necessarily work in cold. Therefore, many State transportation departments, including the Ohio Department of Transportation, have voiced their strong concerns about this example of overreach by the Federal Government.

In Ohio alone, this mandate costs $50 million each year, money that could be used to repave nearly 700 miles of highways, or rehabilitate 137 bridges. Repealing this mandate simply reaffirms that States indeed know how best to build highways in their locales, and it is a very positive step toward allowing the States more freedom and flexibility to make important highway construction decisions.

Mr. Speaker, the Committee on Transportation and Infrastructure has reported a very responsible bill, which must be completed before the end of the month in order for valuable highway funds to continue flowing to the States. The rule before us will set the stage for this kind of deliberation that is needed in this body, and I urge my colleagues to support this fair and open rule.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the House is embarking on I think a very bad precedent and a very dangerous course. Many of my colleagues wonder why the motion to adjourn today? The answer is very simple: First of all, the rights of the Members of the institution are being severely impinged upon. The House is being called upon in just a few days to consider legislation on which there have been very little in the way of hearings; indeed, in our committee, no hearings on either the Medicare or Medicaid proposals, and in the Committee on Ways and Means, a similar situation. Members are not going to know what the questions are associated with regard to the legislation.

The bill, which was submitted to our committee and which is being written in our committee as we speak here at this moment, was submitted to the Congress Monday night; that is, September 18, at 9 p.m. The markup on this in our committee commences today. This is on proposal which was already changed since it was sent up. The staff on the Committee on Commerce spent all night Monday night and all night last night on the minority side looking to try to understand what is in this piece of legislation.

A similar situation impends with regard to the Medicare proposal. These proposals have been part of the Republican Contract on America since last summer when my Republican colleagues marched to the front of the Capitol to join in a big signing ceremony. They knew what was going to be in it, but they have not shared it with the American people.

Now, the question is, why is this great haste before us? Why are we being compelled to consider legislation which has not yet been made available to the Congress, on which no American citizen has either understanding or appreciation of all of the enormous subtleties?

These are pieces of legislation which will run to scores, if not hundreds, of pages. These are pieces of legislation which are going to affect every citizen in this country, which are going to have significant impact on the poor, the young, the old. Indeed, they are going to lend credit to the claims that the Republicans are giving new meaning to the words "women and children first," and that it is the women and children, and the old and the poor and the weak who are going to be most afflicted by these changes.

Now, I would say on the basis of some 40 years service in this body, that the best legislation is bipartisan legislation when it can be gotten. The second best legislation is legislation which is crafted and contrived in an open fashion, in which everyone here has an opportunity to ask questions and to understand fully all of the issues that are involved and to get the best answers we can, so that we craft the best public policy.

Here we have a situation with no hearings on either Medicare or Medicaid. There are not cost estimates from the Congressional Budget Office. There has been no opportunity for interested persons to be heard. And this is true with regard to either Medicare or Medicaid.

The bill on which this rule would be offered has had 6 days of hearings and markup. The bill was started February 8. Discussion has been going on for months. The early drafts were made available to the Congress. There has been fair discussion. And whether you are for or against the bill that this rule would make in order, you cannot say that the process has not been at least basically fair and open.

No such claim can be made with regard to Medicare and Medicaid. The matter has been conducted in such a haphazard, sloppy and concealed way, that no person can really tell you what is in the bill or what the impact of it is going to be.

We sought responses from Governors of a number of States, interestingly enough, all but one Republicans, and we got an answer from no one except from the one Democratic Governor, in which on Medicaid it was said the result would be devastation of the Medicaid program for the State of Florida.

These are not issues which are small. Even President Reagan talked about the safety net. And in his discussion of the safety net, he said it is going to take care of those who are most poor, least able to address change, and least able to sustain hurt, and those who have the least resources with which to address the costs and the stresses of life, particularly from the standpoint of health and things of that kind.

This legislation, with regard to Medicaid, which is not being marked up in our committee, is not a safety net anymore. It is simply a big concrete floor on which the poorest and the least well-to-do in our country are going to come smash. No hearings, no opportunity to be heard, and, indeed, a terrible result.

Reject this rule. Let us have an open rule, so that we can bring this legislation to the floor after an appropriate period of hearing and after the rule has been amended to enable this side to get full hearings on the matter.

□ 1200

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

I thought we were discussing the highway bill and not Medicare, and I think in the future, we should confine our remarks to the rule before us. I dislike making a point of order, and I will not do it at this time, but I would hope that we confine our remarks to the bill before us.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the committee.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentlewoman for letting me go essentially out of order so we can get all the things done we need to do.

Mr. Speaker, this is historic and urgent legislation, and I commend the Committee on Rules and the leadership for bringing this open rule to the floor.

We must pass this legislation quickly so that we free up nearly $6 billion of funds, critical highway funds that will go to our States.

As a show of good faith and a strong commitment to getting this bill out quickly, I have agreed to drop two important provisions. First, I have agreed to drop the provision in the bill which passed overwhelmingly in the committee, indeed, I believe unanimously, to take the transportation trust funds out of the general fund budget. I did this because I received a commitment from the leadership that we will, indeed, have a vote on this issue later this year after the appropriations and the reconciliation process.

It is important to emphasize that there are 222 Members of this body who are cosponsors of the legislation to remove the transportation trust funds off budget, a majority; many others have committed to vote for it who are not cosponsors. Indeed, a majority of the Republicans of the House are cosponsors; nearly a majority of the Democrats of the house are cosponsors; a majority of the Republican freshman class are cosponsors. That issue has strong bipartisan support. But I have agreed to drop it in the interests of moving the national highway system bill quickly.

Secondly, I have agreed to drop the trigger provision which will move up the reauthorization of ISTEA from 1997 to 1996. I still believe there are solid policy reasons for doing this. However, because we want to bring bipartisan legislation to the floor and some of my Democratic colleagues on the committee have problems with this, again, in the interests of bipartisanship and good faith, I have agreed to drop this provision in this legislation. We may well consider it in another context later this year, but we need to pass the national highway system bill quickly. Also, dropping these two important provisions, also, is being done with an eye toward demonstrating to the other body we want to cooperate with them. They have expressed concerns about these two provisions as well in this particular piece of legislation. So we have dropped those controversial provisions so that we can move quickly and get the national highway system final approval and get the money released to the States so we can build highways, improve productivity for Americans and save lives.

Mr. FROST. Mr. Speaker, I yield 6½ minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, first of all, let me join my friend, the gentleman from Texas [Mr. FROST], in commending the distinguished gentleman from California [Mr. MINETA], the ranking member and former chairman of the Committee on Transportation and Infrastructure, for outstanding service to this Nation on important issues related to the committee on which he serves and particularly the highways of this country, and to also commend the gentleman from Pennsylvania for his leadership throughout the years as well, the gentleman from Pennsylvania [Mr. SHUSTER], and the Committee on Rules for bringing an open rule to the floor of the House, which is refreshing to see on this floor.

I wanted to talk about the priorities in which we are addressing issues in this Congress and, of course, the rule debate is on the priorities which we believe are important to bring forward to the American people. While I think this highway bill is, indeed, an important bill, I think it quite frankly this month or in the next 2 months, I should say, pales in comparison to what may in fact happen with respect to Medicaid and Medicare, a cut of over $450 billion for people who need those particular resources in order to survive either as senior citizens in this country or people who are struggling at the lower end of our economic spectrum. I would just echo the comments that were made by my colleague from Michigan, Mr. DINGELL, the ranking member of the Committee on Commerce. The gentleman from Michigan [Mr. DINGELL], I think, correctly pointed out that we have had hearings on this highway bill that lasted 6 days. They started on February 8. Discussions have been going on for 7 months. We have also seen that we have had Ruby Ridge debated in hearings for 2 weeks, Waco for 2 weeks, we had 28 days of hearings on Whitewater.

This bill, the highway bill that we are discussing today, 6 days, yet when it comes to the biggest bill that will affect over 70 million people directly and probably everyone in the country, cuts in Medicare and Medicaid, over $450 billion, this Congress is relegated to 1 day of hearings, none on Medicaid, 1 on Medicare. It is an outrage. It is an absolute outrage, Mr. Speaker, that that is where we are headed in this most important debate for Americans.

Do the American people not deserve more than 1 day debate? Do they not deserve more than 1 day to talk about these ideas?

For 9 months now we have heard talk from this side of the aisle about how they plan to save Medicare. But to this day we are still waiting to see what their plan is. We are still waiting for their details. They have brought a highway bill to the floor today, and in that highway bill, they have outlined where they want to take the country. I think they are going to find a lot of general agreement with that.

My friend from Pennsylvania, whom I had a kind word about just a second ago, the gentleman from Pennsylvania [Mr. SHUSTER], came to the floor 10 minutes ago. He talked about the highway trust fund and the moneys in that trust fund being reserved just for highways—just for highways—so they could not be used as a hedge against our ever, actually declining now, but at one time growing budget deficit. It strikes me as rather odd and peculiar that they would come to the floor and make that argument which, frankly, I do not have too much disagreement with, and yet, and yet, when it comes to Medicare, what they want to do and what they have done is they have raided the Medicare trust fund in order to pay for tax breaks for the wealthiest people in our country and the wealthiest corporations in our country. It is hard to understand that type of rationale.

But I guess I could understand it if I had a plan, as my colleagues on this side of the aisle do, that would double the Medicare premiums to about $100 a month, that would take away your choice of doctor, that would cut your benefits to pay for these tax breaks for the wealthy; I think I probably would want to keep that hidden, as well.

So you want to talk about the truth? Let us talk about the truth here this afternoon. I ask my colleagues on this side of the aisle, why do not you tell people that not a dime of what you are asking seniors to pay in Medicare cuts will go into the trust fund? We have talked about the highway trust fund. Not one dime in the cuts in the Medicare portion of the bill that we will have shortly—$270 billion—will go into the trust fund. It is going to another fund to pay for tax breaks for the wealthiest few.

Mr. Speaker, we know that the tax cut bill that is being proposed is $245 billion on this side of the aisle, and we also know that $270 billion in Medicare cuts, and we all know the people who will be hurt most by your cuts are the people who need Medicare the most—older Americans, who pay into the system all their lives, who live on fixed incomes, and who cannot afford to see their Medicare premiums doubled. I only hope that you would not come to the floor and tell us that you are not cutting Medicare.

Only in Republican Washington can you double somebody's monthly premium in this town and then not call it a cut. You talk about cuts, talk about Medicaid as well, Mr. Speaker. Republicans have proposed the biggest cuts, as I said, in Medicaid in the history of this country.

You think they realize that if your Medicaid cuts go through, tens of millions of Americans are going to be denied long-term care, the nursing home care they need to say alive? In this country, 60 percent of Medicaid goes into nursing home care and if these cuts go through, $182 billion worth, in my State of Michigan, I am going to lose 15,000 people who will not be able to have those services next year alone and 175,000 over the course of the 7-year proposal.

So, in conclusion, Mr. Speaker, let me just end by suggesting to my friends that it is simply an outrage that we are not allowed to have more hearings, as we are in the highway bill, on Medicare and Medicaid, 1 day of hearings, 1 day of hearings. We on this side of the aisle are so determined to let the American people speak on this that we will have hearings on the lawn of the U.S. Capitol over the next several days. We will bring people here so they can express themselves and express their views on what these proposals will do to them and their families.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ], a very valuable member of the Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, I rise in support of this rule which provides for fair debate and consideration of the crucial issues affecting our Nation's transportation needs.

Without passage of a bill to designate the National Highway System, our States stand to lose a significant amount of funding desperately needed to improve this Nation's transportation infrastructure. My State of Utah alone stands to lose up to $78 million of funding per year without passage of an NHS bill, money we desperately need to address the impact of our robust growth.

Almost 2,200 miles of highways in Utah are proposed under the NHS bill. These highways carry more than 50 percent of the car travel and more than 80 percent of the truck travel in my State. This bill will play a major role toward promoting Utah's economic development and prosperity, reducing traffic congestion, improving air quality, and maintaining the quality of life Utahns have always appreciated.

In addition, I am pleased with the provisions included in this bill that would help to mitigate the negative impacts imposed under section 1003(c) of the 1991 ISTEA bill. Because of the difficulty of precisely estimating future ISTEA highway spending, the States will be hit with a significant reduction in highway funding for fiscal year 1996. This bill takes significant steps to help mitigate those impacts, helping to ensure that the States have funding they need to meet their highway needs for the coming fiscal year.

I am also pleased with provisions in the bill that repeal Federal mandates and penalties, including repeal of the national speed limit and the crumb rubber mandate.

I know repeal of these provisions is controversial; however, federal mandates such as the national speed limit simply do not make sense for sparsely populated western States like Utah. After discussing appropriate speed limits with our State director of public safety and other law enforcement officials, I am confident that the States will set speed limits that best meet their transportation needs without compromising public safety.

Finally, I would like to commend Chairman SHUSTER for his efforts to take the Transportation trust funds off budget. I believe it is time to release these trust funds for their intended purpose: rebuilding and expanding our badly over-used transportation infrastructure. While I am disappointed that a provision to take the trust funds off budget will not be included in the bill we consider on the floor today, I am pleased that we will have a chance to vote on this important issue later this year.

I urge my colleagues to support this open rule so that we may honor our commitment to designate the National Highway System to preserve and improve our Nation's transportation infrastructure.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from California [Mr. MINETA], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from West Virginia [Mr. RAHALL] for this bill. I am going to support the rule.

I have two amendments that are being incorporated into the bill. I want to discuss them briefly.

The first one would aid safety rest stop areas for a full eligibility for 100 percent funding under the trust fund. In 1987 I was able to pass legislation signed into law that made bridge impact barriers, breakaway utility poles, signalization, pavement marking, signs, lights, 100 percent funded under the trust fund because people in States with limited money were fixing potholes but letting safety, which was our big talk, talking the talk, we were not walking the walk, in putting up the money for it.

□ 1215

My first amendment, Mr. Speaker, allows 100 percent funding for the safety rest-stop areas, and these are simple turnoffs, and I have report language that is submitted that is saying that they would be simple turnoffs, and there could be no fuel or food sold there because our intent is not to provide competition for commercial rest-stop areas by the States. That is a good amendment, and I appreciate the leaders on both sides having included it in this bill.

The second one will study the compliance of the Buy American Act in the procurement by the Federal highway funds and trust fund. Now everybody in this House strongly supports it. Very few people realize the waivers and loopholes that are involved. Japan, as we speak, is coming up with a $100 billion infrastructure program to move their economy, and the last time they did we were not allowed to bid on many of those projects. I believe we should be putting more Americans to work with, in fact, infrastructure improvements in America, but we should be at least looking at the procurement in these expenditures of American-made goods and products.

So, Mr. Speaker, the second amendment says, "Look. How is America complying with, and the Department of Transportation, with Buy American laws, and how many waivers and loopholes are created in here, and how much purchasing of foreign-made goods is going on?"

Mr. Speaker, I am going to support the bill, and I commend the respective leaders on both sides for this bill.

I want to commend the gentleman from Pennsylvania, Mr. SHUSTER, the gentleman from California, Mr. MINETA—who is retiring, as well as Mr. PETRI and Mr. RAHALL, for their work on this bill.

I want to talk about two amendments I had included in the bill during committee markup. The first amendment adds the construction of safety rest stop areas to the list of safety projects eligible for 100-percent Federal funding. Currently, the safety rest stop construction projects are not explicitly part of the Federal-aid program, and are not eligible for 100-percent Federal funding.

I am not talking about commercial rest stops—the ones with Roy Rogers and TCBY's. I am talking about the construction of simple turn-offs where drivers can safely get some rest. I would hope that in the conference report, language is added that explicitly defines the term "safety rest areas" as follows:

Any project that provides drivers with an area where they can pull in and rest to reduce fatigue; and/or

Any project to increase parking at existing rest areas where fuel and rooms for lodging are not available—in other words: non-commercial rest stops. This would ensure that States do not build rest facilities that compete with commercial truck stops or travel plazas.

During my 10 years on the committee, I have been an outspoken proponent of full Federal funding for highway safety projects. In 1987 I was successful in adding language to transportation legislation approved by the committee, and later signed into law, that made certain highway safety improvement projects, such as pavement marking, guard rail enhancement and traffic signalization, eligible for 100-percent Federal funding. My amendment would simply add safety rest stop areas to this list.

Numerous studies have shown that the construction of additional rest stops would significantly reduce driver fatigue—especially among

truck drivers—thereby reducing the number of traffic accidents associated with driver fatigue. This amendment will ensure that commercial motor vehicle drivers have the opportunity and means to obtain the hours of rest required by Federal hours of service regulations (49 C.F.R. 395).

My amendment would not cost additional money—it simply gives States the flexibility necessary to use Federal highway money in the most effective manner to improve safety on their highways. This amendment says: "Trust the States to determine what safety projects are the most urgently needed, and let the States decide whether or not they have a shortage of safety rest stops."

My second amendment directs the Secretary of Transportation to study how well the States have been complying with the Buy American Act in spending Federal highway funds. As you know, since coming to Congress I have championed the buy American issue. I believe strongly that, to the greatest extent possible, Federal procurement dollars should be spent on American-made products. Nowhere should this be more true than in the Federal highway program.

Most Members of Congress strongly support the Buy American Act. But not many Members are aware of the many waivers and loopholes in the Act that, all too often, result in the purchase of foreign-made products with U.S. tax dollars. The intent of my amendment is to ascertain what percentage of the tens of billions of Federal dollars that have been spent through ISTEA by the States have been spent on goods made in this country. This is another commonsense amendment, and I am pleased that it was included in the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I want to thank the leadership of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Wisconsin [Mr. PETRI], full committee ranking member, the gentleman from California [Mr. MINETA], and certainly the gentleman from West Virginia [Mr. RAHALL], for bringing this bill to the floor. It is certainly a bill that I think we can all support, a necessary bill, and I have a question, Mr. Speaker.

How would the American people feel if they knew this bill were coming to the floor, a bill that is going to control the spending of $20 billion a year out of a trust fund, if they knew this bill were coming to the floor without 1 day of hearings? They would feel pretty bad about it, particularly if it affected millions of Americans. Well, guess what, Mr. Speaker? They do not have to worry about it because the Committee on Transportation and Infrastructure on a bill that has a trust fund and that roughly appropriates, or handles, $20 billion a year; there were 6 days of hearings in 1995 on this important topic, there were 6 days of hearings in 1994 on this important topic, there were 7 months of bipartisan negotiations. There was a bill that was introduced months ago. The American public can be secure in knowing this bill was fully deliberated.

Now, how would they feel, Mr. Speaker, knowing that there is a bill, might be a bill, out there that appropriates about, and let me think, Mr. Speaker. It appropriates about six to seven times what is in the highway bill. That is the Medicare trust fund. How would they feel knowing that the bill that would not get a day of hearings, affects 31 million people, that the bill that the Medicare system will get 1 day of hearings; that affects 37 million people. How do they feel knowing that billions more is going to go into health care and will not get but 1 day of hearing between Medicare and Medicaid?

Highway trust fund, $20 billion a year, gets 6 days of hearings this year and 7 months of negotiations. Medicare and Medicaid, which Medicare is a trust fund, gets 1 day of hearings, and we have not seen the legislation yet that deals with that legislation, and someone spoke just a minute ago about States losing money. Thank goodness the National Highway System bill is moving because West Virginia could lose several hundred million dollars if it is not enacted by October 1. Thank goodness it is moving. Guess what West Virginia stands to lose under the Medicaid legislation that gets no days of hearings in which the bill came out and was introduced just 2 days ago? First estimates are somewhere between $3 and $3½ billion.

So, Mr. Speaker, we can hold 6 days of hearings when a State is going to lose a couple hundred million dollars. We hold no days of hearings when a State is at risk for $3½ billion and its entire health care system is at stake.

Mr. Speaker, I am urging a vote against the previous question. I do support the bill. I think it is interesting the roads that this will build will go to many hospitals. The routes will be open because of this bill; the hospitals could be closed because of the Medicare and Medicaid bill. I think people want a highway bill, but they do not want to get run over by the health care legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this proposed rule will set the priority for legislative business, and it is the wrong priority. This afternoon, after 9 months, we will have what a Republican aide to the Committee on Ways and Means has probably misdescribed as, I quote, the complete comprehensive details of the Republican paymore, get-less Medicare plan. But the same aide says that the legislation just is not ready, it is not ready, and we are not ready for the legislation.

So, Mr. Speaker, tomorrow we will have a meaningless, 1-day stacked committee hearing.

POINT OF ORDER

Mr. QUILLEN. Mr. Speaker, I make a point of order that the gentleman from Texas [Mr. DOGGETT] is in violation of House rule XIV that requires Members to confine themselves to the question under consideration.

Mr. Speaker, the question under consideration is House Resolution 224, the rule for the highway bill, and has nothing to do with Medicare.

Mr. FROST. Mr. Speaker, may I be heard on the point of order?

Mr. DOGGETT. And I also?

The SPEAKER pro tempore (Mr. DICKEY). The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, the gentleman from Tennessee [Mr. QUILLEN] objects to the gentleman from Texas [Mr. DOGGETT] speaking about the resolution of the gentleman from Michigan [Mr. DINGELL], when the matter before the House is the rule on H.R. 2274.

The Speaker has ruled on this issue several times in recent years. Probably the clearest guidelines about relevant speech during consideration of a rule come from the Speaker's ruling of September 27, 1990, and I quote:

> In the Chair's opinion discussing the priority of business is within the confines of the resolution . . . the Chair has ruled that it is certainly within the debate rules of this House to debate whether or not this rule ought to be adopted or another procedure ought to be adopted by the House . . . but when debate ranges into the merits of the relative bills not yet before the House, the Chair would admonish the Members that that goes beyond the resolution . . .

Mr. Speaker, the gentleman from Texas [Mr. DOGGETT] has not discussed the merits of Medicare legislation. He has not discussed the details of it or engaged in anything like a debate on that important measure. Mr. Speaker, the gentleman from Texas has confined himself to the priority of business argument, that the House ought to be debating the resolution of the gentleman from Michigan [Mr. DINGELL] providing for hearings, providing for additional hearings, on Medicare before it gets to this important matter dealing with transportation. The gentleman from Texas has confined himself to the question of whether to adopt the rule before us or a different rule making in order the gentleman from Michigan's resolution that provides for hearings on Medicare.

Mr. Speaker, I believe the speech of the gentleman from Texas [Mr. DOGGETT] is relevant.

Mr. DOGGETT. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, as my colleague from Texas has just pointed out, the focus of my remarks from the outset is the priority of legislative business. If a rule is not an appropriate time to discuss the priority of legislative business, I know not when one

could discuss the priority, and of course my reason for raising this issue of priority is that I made a parliamentary inquiry only about an hour ago to the Speaker to find out how is it possible to get before the House a resolution signed by 201 Members of this House asking for more complete and fair hearings on Medicare, and I was told there was no way to do that without the approval of Speaker GINGRICH. So it seemed to me this was an appropriate way to discuss priorities because I would be denied, as has every other Member of this House, any other way of getting the issue before the House.

So, Mr. Speaker, this is a discussion of priorities which I plan, in the brief minute I have remaining, to intermingle with the highway bill under consideration because the two are very related.

The SPEAKER pro tempore. Any other Members desiring to be heard on the point of order?

If not, the Chair will rule.

Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order.

The gentleman from Tennessee [Mr. QUILLEN] has made the point of order that the gentleman from Texas [Mr. DOGGETT] is engaging in irrelevant debate. Because the gentleman's remarks have in some respects extended to the merits of other measures, the Chair finds that the point of order is well taken.

The gentleman from Texas [Mr. DOGGETT] shall proceed in order.

Mr. DOGGETT. Mr. Speaker, the bill before us is a highway bill, and it is very appropriate that this highway bill should be considered at a time that we are to hear the first details of the Medicare plan because, my colleagues, that plan has been parked at the end of a dark alley. Most people have no idea what is in it, but now suddenly it is being removed from the dark alley, being backed out of that dead-end alley, and being rushed into the fast lane of the highway. It is like one of those giant 18-wheelers going 90 to nothing down the highway and let everybody else get out of the way.

Mr. Speaker, in Texas we call it the bar ditch along the highway, and that is where American seniors are going to be left, in the bar ditch. They are going to feel that they have been hit by more than a highway, by a highwayman, a bushwhacker, because they will have more than a flat tire along that bar ditch. They will have a flat wallet, and it is wrong.

Mr. Speaker, the Republicans are proposing that America follow a highway to nowhere.

Mr. FROST. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to defeat the previous question. If the previous question is defeated I will offer an amendment to the rule. The amendment provides for the immediate consideration in the House of House Resolution 221. House Resolution 221 requires that the public be given adequate time to examine the radical changes in the Medicare and Medicaid Programs proposed for the reconciliation bill. The resolution also insists that committees conduct more than a single day of hearings on the largest cuts to the Medicare ever proposed. The public should be allowed to express their views before we are required to vote on such changes.

Mr. Speaker, at this point I ask unanimous consent that the amendment I intend to offer be printed in the RECORD.

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

There was no objection.

The proposed amendment to House Resolution 224 is as follows:

At the end of the resolution, add the following new section:

"SEC. 2. Upon adoption of this resolution, it shall be in order, any rule of the House to the contrary notwithstanding, to consider immediately in the House the resolution, House Resolution 221, printed in section 3 of this rule providing that consideration in the House of Representatives and its committees and subcommittees thereof of any legisation changing existing law with respect to medicare or medicaid pursuant to the reconciliation instructions of the concurrent resolution on the budget for fiscal year 1996 shall be preceded by adequate time for public examination of such legislation and public hearings thereon, and expressing the sense of the House that the Senate should similarly provide for such public examination and hearings.

SEC. 3.—

H. RES. 221

Whereas the conference report on the concurrent resolution on the budget for fiscal year 1996 (H. Con. Res. 67, 104th Congress) and the accompanying statement of managers contain reconciliation instructions to the Committee on Ways and Means and the Committee on Commerce that assume reductions in spending on medicare of approximately $270,000,000,000 below what would be spent on medicare under current law during fiscal years 1996 through 2002;

Whereas that conference report and statement of managers contain reconciliation instructions to the Committee on Commerce that assume reductions in spending on medicaid of approximately $182,000,000,000 below what would be spent on medicaid under current law during fiscal years 1996 through 2002;

Whereas that conference report and statement of managers contain reconciliation instructions to the Senate Committee on Finance that assume reductions in spending on medicare and medicaid totalling $452,000,000,000 below what would be spent on those programs under current law during fiscal years 1996 through 2002;

Whereas approximately 37,000,000 elderly and disabled Americans rely on medicare for their health insurance and health security;

Whereas more than 36,000,000 women, children, and elderly and disabled Americans rely on medicaid for their health insurance and health security, and for protection against the cost of nursing home care;

Whereas hundreds of thousands of doctors, hospitals, laboratories, and other health care providers participate in the medicare and medicaid programs and receive direct or indirect reimbursement for their services from the Federal Government in connection with these two programs;

Whereas administrative and overhead costs are less than two percent of total program costs for medicare and less than four percent of total program costs for medicaid, far smaller percentages than any private sector health insurance enterprise currently in operation in the United States;

Whereas achieving the level of reductions in medicare and medicaid assumed by the concurrent resolution on the budget for fiscal year 1996 cannot therefore be achieved solely by reducing waste, fraud, and abuse;

Whereas achieving reductions of the magnitude contemplated by the budget resolution can only be accomplished by (1) increasing the payments required from women, children, elderly, and disabled beneficiaries, (2) reducing payments to physicians, hospitals, nursing homes, and other health care providers, (3) reducing coverage for current or future beneficiaries, or (4) some combination of the foregoing three strategies;

Whereas the budget resolution requires committees to submit their reconciliation recommendations to the Committee on the Budget by September 22, 1995;

Whereas as of the date of the introduction of this resolution, no legislative language to achieve the medicare and medicaid cuts contemplated by the budget resolution has been introduced or otherwise made public, so that members of the public and their Representatives in Congress have not had the benefit of adequate time to examine, analyze, and understand the impacts of the changes that will have to be proposed to achieve the contemplated reductions;

Whereas the Congress should serve as a partner with the American people in addressing the Nation's health care needs and problems;

Whereas with the exception of national security matters, there are few reasons for Congress to act behind closed doors in formulating policy that will directly and dramatically impact more than 73,000,000 Americans and their families and will indirectly impact every American;

Whereas there is concern that the lack of public and media access to the formulation of changes in the existing medicare and medicaid laws in connection with the reconciliation process threatens the ability of all affected Americans and their Representatives to evaluate such changes adequately when they are finally made public;

Whereas public hearings on the consequences for the United States and its health care system of any such changes in medicare and medicaid are necessary to educate the public who must live with those consequences and their Representatives in Congress who must act on the forthcoming medicare and medicaid changes: Now, therefore, be it

Resolved, That—

(1) any markup in the committees of the House of Representatives or any subcommittees thereof of any legislation changing existing law with respect to medicare or medicaid pursuant to the reconciliation instructions of the concurrent resolution on the

budget for fiscal year 1996 shall be preceded by a minimum of four weeks for public disclosure of the legislative text of such changes, during which time additional and thorough public hearings on such text shall be held;

(2) no such legislation shall be considered in the House of Representatives until the requirements of paragraph (1) have been met; and

(3) it is the sense of the House that the Senate should guarantee public and media access to and consideration of the legislative text of any changes to be considered in that body by adopting a similar schedule for public disclosure and hearings.

Mr. FROST. Mr. Speaker, I urge defeat of the previous question, and I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 20, as follows:

[Roll No. 674]

YEAS—241

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—173

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Brown (FL)
Collins (IL)
Conyers
Flake
Hastings (FL)
Hefner
Jefferson
Kennedy (MA)
Meek
Mfume
Moakley
Payne (NJ)
Quinn
Reynolds
Schiff
Sisisky
Skeen
Torres
Tucker
Watts (OK)

□ 1248

Ms. MOLINARI and Ms. McCARTHY changed their vote from "yea" to "nay."

Mr. RAHALL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 39, answered "present" 1, not voting 19, as follows:

[Roll No. 675]

YEAS—375

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr

Fawell
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—39

Ackerman
Becerra
Brown (CA)
Brown (OH)
Chapman
Clay
Coyne
Dellums
Dingell
Dooley
Durbin
Edwards
Evans
Fattah
Filner
Frank (MA)
Hilliard
Hoyer
Johnston
Kaptur
LaFalce
Lantos
Lewis (GA)
Manton
Markey
Martinez
McHale
Miller (CA)
Ortiz
Owens
Rangel
Sabo
Schroeder
Stark
Tejeda
Towns
Vento
Waxman
Yates

ANSWERED "PRESENT"—1

Gibbons

NOT VOTING—19

Brown (FL)
Collins (IL)
Conyers
Doolittle
Fazio
Flake
Hastings (FL)
Hefner
Jefferson
Johnson (SD)
Kennedy (MA)
Meek
Mfume
Moakley
Payne (NJ)
Reynolds
Sisisky
Souder
Tucker

□ 1257

Ms. ROYBAL-ALLARD changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall vote Nos. 674 and 675 on House Resolution 224, I was unavoidably detained. Had I been present I would have voted "nay" on 674 and "yea" on 675.

The SPEAKER pro tempore. Pursuant to House Resolution 224 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2274.

□ 1259

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

□ 1300

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

Mr. Chairman, I am pleased that once again the Committee on Transportation and Infrastructure brings to the floor of the House a bill with strong, overwhelming bipartisan support. It is an exciting bill, it is a crucial bill. This bill giving final approval to the new National Highway System will create for America in the 21st century what the Interstate System has done for America in the 20th century.

The new National Highway System recognizes and identifies 159,000 miles which will be the top priority miles for America as we move into the next century of highway miles. While this represents only 4 percent of the total highway miles in America, it represents 40 percent of all the highway travel, 75 percent of truck traffic, and 80 percent of tourism travel.

Indeed, every year we are experiencing on our highways a 3-percent increase in highway travel. If we compound that out, that means every 7 years about a 30-percent increase in highway travel. Beyond that, by the year 2000, we are told there will be a 28-percent increase in truck traffic on our highways. So there is a crucial need for identifying this new National Highway System, giving it the top priority. Of course, the original interstate, the 42,500 miles of the interstate, are the original backbone of this new system.

What we are about here today is building assets for America. Indeed, it is crucial that we pass this, because if we do not pass it quickly and get to conference with the other body, then $6 billion a year will be withheld from our States, money that has to go out to improve our highways.

Indeed, it is critical that we create this new National Highway System for economic growth for America. This system will be the backbone of the transportation system of America as we move into the next century, to move people and products more efficiently, more productively, more conveniently, and more safely.

I might close by sharing with the body something that a young married man who brought his wife to Washington on January 4 of this year, with his little children, said on television. When they asked him why was he here to see the opening of the new Congress, he said, "I just had to come and see it, because with the opening of the new Congress maybe there will be some changes. Maybe the Congress will get it right." Then he went on to say, "The Federal Government, in my opinion, has not done anything right in the past 20 years." Then he paused, and he said, "except build highways."

I think across America there is strong bipartisan recognition that we need to build the infrastructure of this country so that this country can remain productive, so that this country can have our people traveling safely on our highways. For all of those reasons, I urge my colleagues to give strong support to this bipartisan legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI], the distinguished chairman of the subcommittee.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, H.R. 2274 was approved by voice vote by the Committee on Transportation and Infrastructure on September 8, 1995.

The most important provision of the bill before us today is the approval of the National Highway System, a 160,000 mile network of our Nation's most important roads. Although NHS routes comprise only 4 percent of our Nation's public roads, it will carry over 40 percent of our Nation's traffic and more than 70 percent of our commercial truck traffic.

The country has changed dramatically since the Interstate System was laid out more than 40 years ago, and the NHS will move us into the postinterstate era. Approval of H.R. 2274 will ensure continued Federal funding for these vital roads.

H.R. 2274 also provides a comprehensive solution to the reduction in Federal highway funding that each State will experience next year due to section 1003 of ISTEA. According to the latest estimates from the Federal Highway Administration, this reduction could total as much as $3 billion, amounting to a nearly 13-percent across-the-board cut in each program.

Unlike other proposals which have been put forth to address this situation, H.R. 2274 will fully restore funding for programs outside the obligation ceiling by utilizing available budget authority and, through the reprogramming of budget authority, will partially restore funding for programs subject to the obligation ceiling. It also will mitigate the effect of the remaining reduction by allowing States greater flexibility over a certain limited amount of unobligated program balances.

The basic balance of funding control provided by ISTEA is retained in this bill since a State may transfer unobligated balances of urban suballocated funds, which are controlled by metropolitan planning organizations, only with the written concurrence of the metropolitan planning organization for that area. In addition, funds provided to States as part of the section 1003 restoration are subject to the urban suballocation in accordance with ISTEA.

Finally, congestion mitigation and air quality funds must be spent in nonattainment areas, but can be used for any purpose—with all clean air requirements for transportation projects continuing to apply.

In order to ease the burden on States, certain Federal mandates also are repealed, including a repeal of the requirement that States use rubberized asphalt, or crumb rubber, in a certain percentage of Federal-aid highway projects or face the loss of Federal highway funds.

Although a prohibition on the implementation of the penalties has been included in annual appropriations bills over the past several years, H.R. 2274 provides for a permanent repeal. Also, the penalties for failure to implement various management systems are suspended until the reauthorization of ISTEA.

During the committee consideration of H.R. 2274, two amendments were adopted which repeal two further Federal mandates. First, the national maximum speed limit and associated penalties are repealed.

The power to set speed limits will be returned to the States as was the case prior to the energy crisis in 1974. The repeal amendment was adopted by the subcommittee and also was reaffirmed by the full committee by large, bipartisan votes.

Second, an amendment was adopted by the full committee to repeal the current penalties imposed on States which do not enact universal motorcycle helmet laws. Again, it will be left up to each State to determine whether to enact such a law, as was the case prior to ISTEA. This amendment was also adopted by a wide bipartisan margin of 38 to 17.

The remaining provisions in H.R. 2274 are, for the most part, minor and noncontroversial policy revisions or minor corrections to current law. I would note that certain trucking reform measures are also included in the bill which, again, are primarily very limited in scope and provided to certain segments of the trucking industry.

These groups have worked with the committee over the past several months to demonstrate why certain regulations which are aimed primarily at long-haul, over-the-road truckers, may not be appropriate for certain other types of driving activities.

In concluding, I want to thank our ranking member of the full committee, the gentleman from California, NORM MINETA, for the assistance he has provided on this bill and the leadership he has provided to our committee on both sides of the aisle over his years in the Congress and as a senior member of the committee.

As we know, Mr. MINETA will be leaving the Congress next month, although his involvement in transportation issues certainly will be continuing, and in some sense even deepen. His dedication and interest in improving the Nation's transportation system has been of great benefit to our country, and so, while we wish him well in his new endeavor, his departure will certainly be felt, and felt especially deeply on our committee, and by his colleagues.

The gentleman from West Virginia [Mr. RAHALL], the ranking minority member on the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure, has once again provided valuable input on the development of the bill before us.

Finally, of course, the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], has been instrumental in providing the critical leadership necessary to advance the national highway legislation. It is imperative that the House approve this bill so the required congressional approval of the National Highway System may be granted, so that the section 1003 restoration and mitigation provisions may be realized by the States, and so other improvements to our transportation programs may be enacted. I urge the House to approve H.R. 2274.

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

Mr. Chairman, I rise in support of this legislation, and I do urge my colleagues to do likewise when it comes to final passage. I join with the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], in commending all the work to bring this legislation together, including that of themselves, for their valuable patience in working with us, and willingness to compromise when such was necessary to move the process forward.

I also pay tribute to our ranking minority member, the gentleman from California [Mr. MINETA]. I shall have more to say about him in a moment, but he has been, of course, one of the fathers of ISTEA, and this bill that we consider today is a product of that legislation.

I say I am in support of the legislation, Mr. Chairman, because even though some of us cannot support every single provision of this bill, when all is said and done, the fundamental purpose of this legislation—the designation of a new National Highway System—is something that must be passed by this body and enacted into law in the very near future.

Yes, we have had our differences on certain provisions of this bill. For instance, it would repeal the national speed limit. I, for one, will be offering amendments to address this issue.

Yet, while I may not agree with what is contained in the committee bill on this issue, it is important to remember that this is a must pass piece of legislation, a number of accommodations have already been made to the minority since the bill was reported by the committee, and that today it is being debated under a free and open process that allows us to continue to pursue our concerns.

This bill must pass because at stake here is $5.2 billion in Federal highway funds to the States which will cease flowing on September 30th if we do not gain enactment, and an almost $3 billion in highway funds that will be lost due to a budgetary problem.

At the same time, with this bill we are creating in this Nation a new, integrated network of highways, to be known as the National Highway System—the NHS—that will be the centerpiece of the post-Interstate construction era. In effect, what we are talking about here today are the crown jewels of America's highways.

As I mentioned earlier, a number of accommodations have been reached on this bill since it was reported from the committee. As reported, it contained a provision that would have repealed Federal safety regulation of 40 percent of the truck traffic on the roads today. That provision has since been dropped from the bill.

It also originally contained a provision known as the "trigger" which would have jeopardized the entire fiscal year 1997 Federal Highway and Transit Program. This provision, at my insistence, and the minority's insistence, has also been dropped from the bill we are considering today.

And again, for those who continue to have concerns over the repeal of the national speed limit, or with the repeal of motorcycle helmet laws, as proposed by this bill, the democratic process is at work here today and we will have ample opportunity to address those issues.

So again, once the debates are ended, I urge all Members to support final passage of this bill.

In closing, I do, once again, commend the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the subcommittee chairman, the gentleman from Wisconsin [Mr. PETRI], for their work on this measure. And I pay special personal and professional tribute to our dear friend, the gentleman from California, NORM MINETA, the ranking Democrat member on our Committee on Transportation and Infrastructure, who will leave this body next month.

The gentleman from California [Mr. MINETA] will be remembered by all of us for the many great things he has accomplished for his constituents and for the Nation as a whole during his service to the U.S. Congress. Today I take just a brief moment to salute him for his diligence to highway safety. His concern is not only for our public infrastructure, but for our environment, our future transportation policy, indeed, for our very future in this country, by ensuring that we have better roads and bridges, and improved safety for the people who travel upon them. NORM MINETA has served as chairman of four of our subcommittees on the Committee on Transportation and Infrastructure, and of course he has served as chairman of the full then Committee on Public Works and Transportation. A prime architect of the Intermodal Surface Transportation Efficiency Act, NORM MINETA has made his mark on the bill before us today as well. It is, again, a measure that we should all support.

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

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

Mr. Chairman, I certainly want to join in recognizing the gentleman from California, NORM MINETA, and the outstanding contributions he has made, not only to this committee and to his State of California, but to the Nation as a whole. I put an extensive statement in the RECORD Monday night relative to our distinguished colleague, and I would commend it to all of my colleagues.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. COLLINS] for a colloquy.

Mr. COLLINS of Georgia. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I have been concerned for some time over the growing shortage of qualified commercial truck drivers in this country. This stems from my own personal experience in the industry, as well as from my service on the Surface Transportation Subcommittee in the last Congress. Estimates are that there are 300,000 drivers needed in the industry per year over the next 10 years.

As you know, several years ago Congress required that any person operating a commercial vehicle must have a commercial drivers license [CDL] issued by his or her State of domicile. According to the Federal Highway Administration, this has had two important impacts on driver training:

First, it has limited the actual behind-the-wheel experience for potential drivers, which is critical to effective driver training.

Second, in addition, if a driver wishes to move temporarily to another State to undergo driver training, he or she cannot obtain either a learner's permit or a CDL because of the domicile requirements previously mentioned.

□ 1315

Recognizing these problems, the Federal Highway Administration issued a Notice of Proposed Rulemaking in 1990 to correct the situation. However, due to more pressing matters, the action was not finalized. I understand that FHWA is now in the process of pursuing the issue, due to increased interest and the need for truck drivers. And I think it is important to note that not only has the Federal Highway Administration recognized the problem; but the industry, represented by the American Trucking Associations has also supported a change.

For the purpose of expediting this rulemaking, I would simply like to ask the chairman whether you believe it appropriate for the Federal Highway Administration to address this issue, particularly with regard to issuing learners' permits.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would respond to my friend, I certainly do think it is appropriate. The Federal Government has already required issuance of CDL's by the States. I am pleased Federal Highways is addressing this situation, and I fervently hope that they will move very expeditiously on this rulemaking.

Mr. COLLINS of Georgia. I thank the gentleman.

Mr. RAHALL. Mr. Chairman, because he has devoted so much of his career to improved transportation policy in this country, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the ranking minority member.

Mr. MINETA. Mr. Chairman, today, two critical problems threaten the Nation's infrastructure and transportation program. First, if Congress does not designate the National Highway System by October 1 of this year, $5.2 billion of transportation funds will not go to the States. Second, because of an arcane budget scorekeeping rule, our highway programs face an estimated 13 percent, or $2.7 billion, cut across the board next year. The bill before the House today addresses both these issues: It designates the NHS and fixes the budget problem.

Mr. Chairman, I did support the bill as reported by the Transportation Committee. During committee consideration of the bill, several controversial safety amendments were adopted. When I considered these amendment, together with provisions already in the bill which were troublesome, I concluded that the bill no longer represented a viable means to designate the NHS and I could not in good conscience support it.

However, since reporting the bill, our committee leadership has worked together long and hard to work out a compromise and refocus this bill on designating the NHS, and I want to particularly commend Chairman SHUSTER, our very fine friend, Chairman PETRI, and the gentleman from West Virginia, Mr. RAHALL, for their long, hard efforts to reach this compromise. We all recognize the importance of this bill and have worked hard to minimize the kind of controversies which could impede its progress, even where that meant accepting policies which were contrary to each of our own positions, but really which were necessary to move the bill forward on a bipartisan basis. The result of all of our efforts has been a better bill.

Like any compromise, it perfectly reflects none of our views. Each of us can say there are many things in this bill we like and things we do not like. For instance, this compromise bill does not include the truth in budgeting provisions which the committee adopted and which I strongly support. These provisions would have taken the transportation trust funds off-budget and rededicated them to their original purpose.

However, this bipartisan compromise bill also does not include the so-called trigger provision which I strongly oppose. The trigger provision would have sequestered fiscal year 1997 highway

and transit funds in the hopes of forcing the reauthorization of ISTEA next year. In my opinion, such a provision would break our commitment to the States and needlessly create uncertainty at a time when we should be rebuilding our highways, bridges, and transit systems.

In addition, the reported bill included a provision which I strongly opposed which would have waived all safety standards for commercial vehicles between 10,000 and 26,000 pounds. Under this blanket waiver of truck safety standards, nearly 40 percent of all currently regulated trucks on the road would have been completely exempt from important Federal safety requirements such as driver qualifications and drug and alcohol prohibitions.

However, again working together on a bipartisan basis, the en bloc amendment which the chairman of our committee will offer today includes a somewhat improved version on this issue. Under the new provision, the Secretary of Transportation will establish a pilot program to exempt motor carriers of regulatory requirements only, only if, after normal notice and comment, he finds that the carrier would have safety programs that achieve a level of safety equal to or greater than if they complied with the regulations. While this compromise language is not perfect, and I remain worried about opening the flood gates to truck safety exemptions. I believe that the provision in this en bloc amendment is much improved from its original form in the original legislation.

Despite these many improvements to the reported bill, the compromise bill still includes several controversial highway safety amendments which I adamantly oppose. This bill would repeal the Federal speed limit and allow States to have no speed limit at all if they wished. It would effectively repeal the motorcycle helmet requirement. And it would waive a variety of truck safety standards for specific industries. I believe that these provisions seriously threaten both our Nation's highway safety and the likelihood that Congress will be able to approve the NHS in a timely manner.

Therefore, although I support this bill overall, there are provisions in this bill which I strongly oppose. like the safety amendments, and which I expect the full House will revisit today. As we discuss these safety issues today and amid all the rhetoric about States' rights, let us not forget why we are here: To designate the National Highway System and to fix a budget problem. Let us not allow this bill to include provisions which threaten these important objectives.

If I might also ask of the subcommittee Chair, or the ranking member, indulgence in a little more time, I want to thank again the members of the committee who have expressed their generous comments about my work.

But one thing about the Committee on Transportation and Infrastructure is that it has always been a very strongly bipartisan committee. Whether it is the professional staff or the members, we have always tried to make sure public policy is in the forefront. So I would like to thank everyone for the courtesies that have been extended to me in the 20 years plus that I have been in the House.

I particularly want to commend my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], whom I will miss very much. We have had a long career of working together on this committee. Mr. Chairman, I salute you and thank you very, very much for your working with all of us.

Then of course, to the chairman, the gentleman from Wisconsin [Mr. PETRI], who chaired this specific subcommittee, and to my very good friend, the gentleman from West Virginia [Mr. RAHALL]. I will cherish your friendship and your advice and counsel you have given to me over these long years.

Of course, it goes without saying I am going to miss especially my seat mate, the gentleman from Minnesota [Mr. OBERSTAR]. We came together in 1974. We have been very close personal friends. We have both gone through some very troubling times in the House, and we have counseled each other on a personal basis as well as on a professional basis. JIM, I will always hold you very close and dear to me.

Of course, to my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], again, a very, very close and wonderful friend.

So I leave without regret. I am going to miss everyone, but by the same token, I know that this committee will carry on its very fine work. Again, I want to thank all the members of the committee as well as the professional staff for their wonderful work.

Ken House has been with me for all these years, and there is no one who probably knows this title of the United States Code better than Ken House, and he is sort of like a real reference book. Ken, I want to just thank you again for all the hours you have spent and the times I have called you on the phone at 11 at night and bothered you at home, but again, thank you very much, and to all of you, thank you.

Mr. RAHALL. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. BORSKI], the ranking member of our Subcommittee on Water Resources and Environment.

Mr. BORSKI. Mr. Chairman, let me first thank the gentleman from West Virginia for yielding me this time, the distinguished chairman of our Subcommittee on Surface Water and Environment, the gentleman from Wisconsin [Mr. PETRI], our colleague, the gentleman from Pennsylvania [Mr. SHUSTER], our outstanding ranking member of our committee, the gentleman from California [Mr. MINETA].

Let me simply say, Mr. Chairman, that the gentleman from California [Mr. MINETA] has been a great leader of this committee and in this Congress and a great American. I shall remember forever all the excellent work that was done on the ISTEA legislation a few years back, the long hours, the difficult hours, and difficult issues. We got a piece of legislation through that this country can be very proud of, innovative, advancing our transportation system, and it would not have happened without the strong leadership of the gentleman from California [Mr. MINETA].

I shall also miss him as the ranking member, and while we had great successes with the ISTEA legislation on this side of the aisle, our successes were not so great in the Clean Water Act, but his leadership and friendship and guidance on that bill were extremely important to me and valuable to this process, and I shall miss him very, very much. I wish him great success in all he does, and I know he will be extremely successful.

Mr. Chairman, it is absolutely critical to our Nation's transportation system to have the National Highway System designated so that the States can have their fiscal year 1996 NHS funds.

I fully and strongly support the designation of the National Highway System.

I also believe we must correct the 10–0–3 problem that will result in an unfortunate reduction in the Nation's Surface Transportation Program.

However, the bill that is before us does much more than those two essential actions.

This bill is being used as a backdoor means of rewriting the compromises that made the Intermodal Surface Transportation Efficiency Act of 1991 a major breakthrough in transportation policy.

I am concerned that this bill is anti-urban, anti-metropolitan and anti-environment.

In recycling funds to solve the 10–0–3 problem, the bill provides another avenue for States to pressure MPO's into allowing STP funds that are attributed to that area to be used outside that area. What is the purpose of this attempt to rewrite the carefully constructed ISTEA compromise?

The bill also allows Sea-Mack funds to be used for purposes other than to meet air quality standards or to provide air quality benefits, which is the requirement under current law.

We can solve the 10–0–3 problem without rewriting ISTEA, without changing the rules for using the STP money and without setting up new procedures to transfer money out of metropolitan areas.

I am also concerned about section 301 which makes a larger cut in operating

assistance for large transit systems than for smaller transit systems.

If we are going to cut operating assistance, then all systems should bear this cut equally.

The provision is unfair to the riders of metropolitan area transit systems who pay their fares just like the riders of the smaller systems.

Unfortunately, it appears that the critics of transit operating assistance believe the cuts should only come from certain systems, not all systems.

This bill makes it harder for metropolitan areas to solve their transportation problems. Transit operating assistance will be cut, resulting in higher fares and less service which will force people off the transit systems and into their cars.

Then we are allowing STP money to be transferred out of the urban areas and allowing congestion mitigation money to be used for other purposes.

These changes are unnecessary retreats from the first-ever recognition in ISTEA of the special needs of metropolitan areas.

These changes are bad transportation policy.

Mr. Chairman, these provisions raise important questions about the direction of our national transportation policy. I hope that some—or all—of these problems can be corrected as the bill works its way through the process.

□ 1330

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, I thank the gentleman from West Virginia [Mr. RAHALL], the ranking member, for yielding this time to me, and I just want to compliment the chairman and the members of this committee for this bill.

The section in this bill that deals with identification of high-priority corridors specifies a route of Interstate 73 and Interstate 74 through North Carolina that is the culmination of a tremendous amount of work that has been done by Members of Congress and especially the North Carolina Board of Transportation. It could not have happened without the good ear and the good help of the full committee, the chairmen of the subcommittee on both sides of the aisle, and I want to thank them and urge my colleagues to strongly support this legislation.

Mr. RAHALL. Mr. Chairman, I yield 6½ minutes to the gentleman from Minnesota [Mr. OBERSTAR], the current ranking minority member on the Subcommittee on Aviation, and any day, or any hour now, to be the new ranking member of our full committee.

Mr. OBERSTAR. Mr. Chairman, I rise in support of this bill. I shall vote for the bill on final passage, notwithstanding the outcome of votes which we will have on highway safety issues.

I want to make it very clearly I urge all Members on our side, all Members of the House, to support this legislation. I want to compliment the gentleman from Pennsylvania [Mr. SHUSTER] on his first highway bill, not exactly his first highway bill, but his first as chairman. He has been a partner with us on this side of the aisle for many years as we have crafted highway legislation. He has been a partner in developing what is the world's finest highway system bar none anywhere, in any country, and I know that his continued vigilance and enthusiasm for the highway program will ensure that we stay on track of maintaining the Nation's portfolio of highways, bridges, and seeing to the future growth needs of America which are founded upon our Nation's highways and bridges.

Nonetheless, Mr. Chairman, I do have some reservations about this legislation. It is in vogue in this 104th Congress to turn responsibilities back to the State or to give States new responsibilities, but the highway program is unique. On the interstate highway; 90 percent of the funds are Federal, 10 percent State. The noninterstate, 80 percent with matching funds provided by the State or local governments. The Federal Government raises the money, but States decide where the roads go, except for the Interstate System, which was thrashed out at the national level in consultation with State governments, and we are at the same point again, designating the post-Interstate Highway System, the National Highway System.

Unfortunately, however, Mr. Chairman, I think this legislation surrenders more authority to States for decisions on highways than is proper, than should be the appropriate balance of Federal and State responsibilities and one of the reasons Members over the last 10 years have come to the chairman and ranking member on the former Committee on Public Works and Transportation, now Committee on Transportation and Infrastructure, with complaints, is that States have not been responsive, sufficiently, to local concerns.

They say: "This highway or high-priority item in my district is not being built." The fundamental reason was the State made a decision not to do it or not to do it for 10, or 15, or 20 years, and ultimately we took on the responsibility of including in national legislation specifically designated highway segments that were of national significance and said to the State, "You shall build these segments." I think in a couple of years we will be back here again with complaints from Members saying the Governor, or the State Highway Department, is not responsive to my constituents. They are not building the roads that are high priority, necessary for economic growth, progress, not repairing the bridges, and would we, please, put something in the highway bill to do it, or they will go to the Committee on Appropriations and ask them to do it.

Mr. Speaker, that is the reservation I have about this bill as a policy matter, and I hope that in time we will address that matter and focus more authority at the national level as I think Members should have input because, after all, these roads go through our districts, serve our constituents, our communities, our local economic growth.

The other concern that I have about the legislation, and I will offer an amendment to deal with it, is the safety issue. This amendment will focus on gathering information. It is not a new mandate. It is not a new requirement. It does not require any cost of the States. It does not take money away nor give them incentives to do anything. It just says, "Gather information with the tools you already have about crashes, who pays, who gets hurt in crashes, how long are people hospitalized, what are the economic consequences locally, what are the consequences for health care providers."

Mr. Chairman, if we are going to take actions to diminish national highway safety standards, then the public ought to know what the consequences are, and we ought to have that information gathered so that at the appropriate time we can make the right policy judgments on highway safety.

Before concluding though, Mr. Chairman, I wanted to take this opportunity to pay very special tribute to our departing former chairman, the current ranking member, my friend, my seatmate of nearly 21 years, the gentleman from California [Mr. MINETA]. We unveiled his portrait in the Committee on Transportation and Infrastructure on Monday evening. There was a beautiful outpouring of praise. At the appropriate time I shall have that included in the CONGRESSIONAL RECORD because those words need to be memorialized. There is no person of greater integrity, commitment to public service, commitment to duty, commitment to fellow legislators, than the gentleman from California [Mr. MINETA]. He has been a personal friend, a professional friend, a person impeccable integrity who leaves an aura of great distinction upon this body.

Mr. Chairman, when asked, on the day he made his announcement of leaving the Congress, what he would like to be remembered for, the gentleman from California [Mr. MINETA] simply said, "For all the people in my district, that I never forget their names." There is no greater example of public service and of caring for people than that remark or than this person, my friend, Mr. MINETA.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. BARTLETT], my congressional neighbor.

Mr. BARTLETT of Maryland. Mr. Chairman, a sharply worded Cumberland Times editorial about U.S. Route 220 in western Maryland hit the highway nail right on the head: I quote: "U.S. Route 220 North is arguably the most dangerous stretch of highway in the (tristate) area * * * (its) s-curves make the road an obstacle course fraught with danger." In addition to highlighting the frightening hazards of 220's 3-mile twist in Alleghany County, the Times editorial rightfully noted the value of an improved Route 220 to the economic development of a region ripe with promise and perfect for business growth. The inclusion of Route 220 as a designated highway in our national roadway network will serve as the foundation upon which the region can build a better 220 and, consequently, a brighter tomorrow for all those dependent upon it.

Before today, any substantial discussion in western Maryland about the overall economic development of the tristate region was hindered by a lack of regionwide attention to—and funding for—Route 220.

With this comprehensive bill and thanks to the effective leadership of Committee Chairman BUD SHUSTER and Maryland's State Highway Administration, we're seeing Route 220 get what it certainly deserves: a designated place in our National Highway System. The measure before the House today appropriately includes the full stretches of Route 220—in Maryland, Pennsylvania, and West Virginia—as key highway links in the National Highway System.

As a result, planned improvements for Route 220 will receive Federal funding priority. In the long history of Route 220, this is good news, very good news.

The improvement of Route 220 north of Cumberland is not only important to Maryland but also to our neighbors in Pennsylvania and West Virginia. Route 220 continues into these States from Maryland. Maryland—under the impressive guidance of Transportation Secretary David Winstead, Highway Administrator Hal Kassoff, and House Speaker Cas Taylor—has authorized funding for right-of-way acquisition. Construction targets for Maryland's section of the road are within reach. For Route 220 to realize its full potential, it is imperative—as Speaker Taylor has consistently noted—that West Virginia, Maryland, and Pennsylvania join forces to make Route 220 an asset to the region rather than a hurdle to development and safety.

Improvements to Route 220 in any one of the three States must be matched by corresponding improvements to Route 220 in the others. I believe that this legislation is a terrific catalyst for such change, cooperation, and progress.

I look forward to the continuation of a Route 220 coalition dedicated to the completion of 220 improvements throughout the tristate region. I will soon be meeting with my colleagues from West Virginia and Pennsylvania in an effort to lend whatever assistance we can to the project.

At this juncture—and on behalf of those who share our interest in Route 220—I want to commend Chairman SHUSTER and urge the House to adopt the National Highway System language as detailed in the bill.

The State of Maryland has advised me that more than 7,500 vehicles face the Route 220 minefield daily. That number is predicted to double by 2015. In the name of safety and for the benefit of the region, it is essential that we give Route 220 the attention it deserves and the backing it needs to become a reality rather than a roadblock to progress.

I also want to thank Subcommittee Chairman TOM PETRI for his assistance in redesignating $440,000 in unused funds from Route 48 in Washington County for use in the I-70/I-270 interchange project, another very important project in our district, as part of H.R. 2274.

Frederick County is one of Maryland's fastest growing communities. Yet, the Frederick area is virtually the last place in America where major criss-crossing interstates lack complete, accessible, and safe connecting interchanges and sufficient highway feeder networks. Construction of the I-70/I-270 interchange is one of the highest priorities in the State of Maryland. The release of this $440,000 will help accelerate the work on phase I of this critical highway improvement project. This is one more step to ensure that Frederick County can remain an active force in the growth of the State's economy and that of the entire western Maryland region.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. MASCARA], a new member of our committee, one who has rolled up his sleeves and is ready to go to work on these issues.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MASCARA] is recognized for 1 minute and 30 seconds.

Mr. MASCARA. Mr. Chairman, I would like to thank the chairman of the Committee on Transportation and Infrastructure, Mr. SHUSTER, as well as the ranking members, Mr. MINETA and Mr. RAHALL, for their hard work in bringing this important legislation before the House of Representatives today. With the September 30 deadline fast approaching for congressional approval of the National Highway System as required by ISTEA, I support House passage of the NHS designation bill—H.R. 2274.

It is important to point out that whatever feelings Members may have regarding certain amendments which were added or rejected during the Transportation Committee's markup or ones to be considered here today on the House floor; designation of the National Highway System is the most important part of this bill and the fundamental reason why the House should pass H.R. 2274.

Before coming to Congress, I served as chairman of the Washington County Board of Commissioners for 15 years and was actively involved in promoting transportation and economic development projects in southwestern Pennsylvania. One of my main objectives as a local elected official was to create jobs through the promotion of sound economic growth. My experience has taught me, as studies all over the world have shown, that there is strong correlation between quality transportation systems and economic growth. For our nation to succeed, both domestically and in the international market-place, we need a top quality transportation system. The designation of the National Highway System is a vital step in the process to achieving a modern, integrated transportation system for the next century.

I also know how important it is to hundreds of local economies throughout the country that there be no delay in delivering Federal transportation dollars—not to mention the hundreds of companies and thousands of construction workers that could be adversely affected if the National Highway System is not designated on schedule.

States and localities all across this country have complied with Federal transportation regulations in formulating their States' plan. State DOTs have their transportation projects ready for construction. Let us do our job, let us make sure that we pass H.R. 2274 and literally keep the country moving in the right direction.

Than you again to Chairman SHUSTER, ranking member Mr. MINETA, who I might add will be sorely missed from our committee, where he served as chairman during the 103d Congress and as a distinguished member of the House of Representatives as he moves on to life after politics. Also thank you to Surface Transportation Subcommittee chairman Mr. PETRI, and ranking member Mr. RAHALL for their diligent work on this legislation and I ask that all my colleagues support passage of H.R. 2274.

□ 1345

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I rise in strong support of this House Resolution 2274, and I would like to enter into a colloquy with the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure.

Mr. Chairman, I plan to offer an amendment that lets States use the advance construction mechanism during the final year of multiyear authorization. Advance construction allows States to begin a highway project with the State's own funds and then apply for reimbursement from future allocations.

I would like to point out that this does not commit the Federal Government to reimburse the project. It simply allows the State to apply for reimbursement. As the chairman knows, many States rely heavily upon advance construction programs. California, Florida, and many other States, including Pennsylvania, all commit over 75 percent of their annual highway apportionments through advance construction programs. Yet, because of a limitation we have under the current law, States cannot use their own money and then later ask for reimbursement in the last year of authorization. This is ridiculous.

I have been told, Mr. Chairman, that California will have to delay almost $500 million in projects over a year because of this provision.

I should also point out that my amendment is nothing new. In the past States were allowed to use advance construction programs at the end of a multiyear authorization. In fact, the advance construction law from 1987 to 1990 was almost identical to the amendment I plan to offer today. My amendment would simply restore this provision, which is badly needed in States like California, Florida and other States.

Mr. Chairman, even the Senate recognized this problem and included an advance construction provision in their language in their NHS bill. Their language is about the same as mine.

I am willing to withhold my amendment Mr. Chairman, because of the commitment of the gentleman from Pennsylvania [Mr. SHUSTER] to work with me in conference and perfect a set of language, and I thank the gentleman.

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

Mr. KIM. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman and wish to say that Congressman KIM has certainly been a leader on our committee in bringing focus to many important issues, including this one about advance construction.

Mr. Chairman, I understand it is a very important issue in California and other States. Indeed, without the provision, California could be forced to delay hundreds of millions of dollars. I do not believe it was the intent of Congress to cause such a delay, and I will be pleased to work with the gentleman in conference with the Senate to perfect this language. The Senate does have language, and I believe that we will strongly support it.

Mr. KIM. I thank the gentleman.

Mr. POMEROY. Mr. Chairman, I rise today in strong support of this bill to designate the National Highway System [NHS].

When Congress passed the Intermodal Surface Transportation Efficiency Act [ISTEA], it directed the Federal Highway Administration to develop a national highway system prioritize our Nation's roadways. In these times of shrinking Federal budgets, our Nation must focus highway funds on our most heavily traveled roads. This bill to designate the NHS fulfills that objective.

Mr. Speaker, by improving the Nation's most important transportation routes through the designation of the NHS, we can sharpen our competitive edge in international markets. In North Dakota, our farmers rely on high quality transportation routes to remain the most competitive producers in the world. To preserve and improve our competitive edge in agriculture, we must designate commodity transportation routes as national priorities. Again, the NHS bill accomplishes that goal.

In addition to designating the NHS, this bill returns to the States important decisionmaking authority over transportation policy. An example, is the provision in the bill to repeal the Federal speed limit. I am an original cosponsor of legislation to repeal the Federal speed limit, and I am pleased it has been included in H.R. 2274.

I believe that the individual States are in the best position to establish safe and appropriate speed limits based on local driving conditions. In North Dakota, we certainly enjoy more than our share of wide open spaces. A speed limit that may be appropriate for the congested Northeast corridor is not at all suitable for the Great Plains. A simple and proper remedy is to allow the States to decide.

Today, Representative LOWEY will offer an amendment which would require States to enact zero tolerance, laws that would make it illegal for underage drivers to drive with a blood-alcohol content of .02 or higher. Under the Lowey amendment, failure to enact a zero-tolerance law would result in the Federal Government withholding 5 percent of highway funds in 1999 and 10 percent thereafter.

While I understand and support the intent of the Lowey amendment, I strongly object the imposition of a heavyhanded Federal sanction to achieve that end. I would certainly join with Representative LOWEY in encouraging States to adopt tough, strict drunk-driving laws. However, I do not believe that the Federal Government should dictate legislation to the States under threat of Federal sanction. The Lowey amendment is inconsistent with the bill before us today which repeals Federal sanctions and returns power and decisionmaking authority to the States. Therefore, I reluctantly, yet strongly, urge my colleagues to oppose the Lowey amendment and support this bill to designate the National Highway System.

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in strong support of H.R. 2274, legislation designating the National Highway System [NHS]. This legislation not only designates the NHS as established as part of ISTEA, but it makes a number of important policy changes.

I am particularly supportive of this legislation because it recognizes the importance of Interstate 35 as a high priority corridor. I–35 is the only interstate in our Nation that connects Canada, Mexico, and the United States. I–35 is particularly vital to my district of Fort Worth and my home State of Texas because it serves as our main corridor of trade with Mexico.

In 1993, our country ratified the North American Free Trade Agreement. This was the first step in improving our economy and strengthening our trading relationship with our neighbors to the North and South. However, the passage of NAFTA was only the first step. The responsibility of the Congress did not end with that historic vote. We must now act collectively to make the most of NAFTA by developing an infrastructure that maximizes the benefits of this agreement.

One of the ways that we can accomplish this is to create a NAFTA Superhighway System. This concept continues to gain momentum around our Nation as an alternative to effectively and efficiently move cargo from point to point and from country to country. By recognizing the key arteries of trade in our Nation and utilizing the latest transportation technologies available, we can make great strides in ensuring that products manufactured in the United States reach their destinations in Mexico and Canada as quickly and as cheaply as possible.

The system that I and a number of my colleagues envision as providing the greatest economic benefit is one that uses I–35, from Laredo, TX to Duluth, MN as the trunk of a NAFTA superhighway system tree. From this trunk, the system will reach out like branches to the North and South, East and West. This option would tie together the major economic centers of our Nation with Canada and Mexico and ensure that all parts of our country benefit from international trade and NAFTA.

Mr. Chairman, I want to applaud our colleagues on the Transportation and Infrastructure Committee for recognizing the importance of I–35 to the continued economic growth of the United States. I look forward to continuing to work with them and all the Members of the House on doing all that we can to realize the benefits of international trade and NAFTA.

Mr. LATOURETTE. Mr. Chairman, I rise today in support of H.R. 2274, the National Highway System Designation Act.

I commend Chairman SHUSTER and Chairman PETRI, as well as their hardworking staffs, for their tireless efforts in bringing a bipartisan bill to the floor which not only reauthorizes the NHS but addresses funding shortfall problems which, if not corrected, will fall on the backs of our States.

The other day a reporter, during an interview about the NHS, mentioned to me that the NHS bill was, according to her editor, not very exciting. While roads and bridges do not necessarily equal the gripping drama of the O.J. Simpson trial or a Clint Eastwood movie, the NHS is essential to each and every person in this country.

The NHS represents some of our Nation's most heavily traveled byways, and while only containing 4 percent of U.S. roads, supports 40 percent of total vehicle travel and 75 percent of heavy truck travel. More importantly to anyone who travels our roads, the NHS means safety for travelers. Improvement of NHS routes, including widespread lanes and shoulders, controlled access and divided lanes, will help reduce accidents and fatalities. The NHS will help alleviate congestion on crowded urban highways. Also, it should not be overlooked that adoption of the NHS will not increase taxes. The funding will come from existing highway user-fees deposited in the Highway Trust Fund.

While this legislation corrects many problems and gives States flexibility, it successfully fixes the 1003(c) problem. This problem is the result of highway spending exceeding the estimates placed into ISTEA. If not corrected, 1003(c) will result in an estimated $4.2 billion in highway funds being cut from State apportionments in fiscal year 1996. For Ohio alone, not solving 1003(c) would mean a loss of $98.8 million. Additionally, for Ohio and other minimum allocation States, this legislation effectively addresses this issue.

Although taking transportation trust funds off budget is not in the bill we are debating today, I wanted to take this opportunity to commend the leadership of Chairman SHUSTER and ranking member MINETA, in addressing this issue. They have set the stage for this essential measure being brought before the House so we can decide this issue once and for all.

H.R. 842, legislation which will take transportation trust funds off budget, will put the trust back in the trust funds. In my State of Ohio, the Ohio Department of Transportation reports that we send about $1 billion in Federal motor fuel taxes to Washington annually. Last year, however, Ohio got back only $600 million of that money in Federal highway funds. What happened to the rest? Of the remaining $400 million, $345 million of Ohio gas taxes went to pay for the Federal deficit, while the remaining disappeared into what ODOT has termed "a bureaucratic black hole inside the beltway." This trust fund was created to keep funds for transportation projects around the country. Previous Congresses have abused the transportation trust fund as a smokescreen for their overspending in the general fund. I commend the Transportation and Infrastructure Committee for their commitment to put an end to these budget shenanigans.

Finally, I would be remiss if I failed to add my voice to the many others who have commended ranking member NORM MINETA. As a new Member of Congress, I have come to have the utmost respect for Congressman MINETA's insight, arguments and bipartisan handling of transportation issues. My regret is that his departure from this body will deprive our number of great wisdom. I shall greatly miss his presence and wish him nothing but the best.

Mr. Chairman, I urge all of my colleagues to support H.R. 2274.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today in support of the provisions of my bill, H.R. 2144, the hours of service exemption provisions, that have been included in the manager's amendment to the National Highway System legislation.

The hours of service requirements have severely restricted the ability of utility providers and others from performing their jobs. While the regulation had the good intention of improving safety for long-haul, transcontinental motor freight carriers, the regulations applied to all drivers of all vehicles that exceed a certain weight, irrespective of how the motor vehicle was employed. Many trucks and heavy equipment belonging to utility providers fell under this regulation. It imposed operational hardship on utility providers and also affected consumers.

In the case of utility vehicle drivers, most of the on-time duty is actually spent repairing utility lines and poles—not driving. However, because of the hours of service regulations, the driver is often prohibited from driving after being out on a major repair call. In addition, this regulation causes a paperwork burden for utility companies in order to comply with it.

The bottom line is this regulation can have an adverse effect on many important services. Being from a cold-weather State, I know the kind of damage ice and wind can have on utility poles and lines during the winter months. Unfortunately, the regulations prevent utility companies from using the summer months to rebuild lines and prepare them for the harsh winter. This ultimately affects the price and quality of utility service.

Under the NHS bill, utility providers would be permitted to have their limit on maximum driving and on-duty time be reset whenever they have an off-duty period of 24 hours. I believe that this is a step in the right direction. And after speaking with my Nebraska utility providers, they are pleased with this provision. They feel that this exemption will help them provide better service and prices to their customers.

I'm pleased with the attention the hours of service regulations have received. I would like to thank the Transportation Committee and my colleagues for their support of these exemptions and call on Congress to continue to work to make these and other regulations more sensible.

Mr. DELAY. Mr. Chairman, I support this National Highway System designation bill and urge all of my colleagues to vote in favor of this important legislation. This bill that we will pass today represents a major step in the right direction for further establishing highways as a national priority.

There is a provision in the bill that I am very interested in and remain committed in moving forward. That provision is the I–69 Interstate Highway project. This national highway is not only important because of the potential benefits for my district, but for all of Texas and the Nation as well.

The bill contains provisions that designate I–69 as a high priority corridor. There is also a provision that establishes I–69 through Houston, TX.

In my district, the development of the I–69 corridor will enhance mobility. Development of the I–69 corridor will assist in the widening and improvements along the Southwest Freeway from Rosenberg to Houston.

Interstate 69 will be truly multi modal linking highway, rail, air, and ports together like a network. The Texas gulf ports, for example, represent a massive source of wealth for the entire State. Together they generate $40.9 billion in trade—in 1993. I–69 provides for the continued growth of the port facilities and provides high quality interstate access to the trading centers throughout the Midwest and the Northeast.

I support designation of the I–69 corridor in the NHS legislation. I also support the Federal participation in I–69's locational study efforts. I will also support in any way that I can the Texas Department of Transportation's efforts to accelerate this planning and construction process for the I–69 corridor.

As cochairman of the I–69 caucus, I believe that the development of the I–69 corridor will induce regional development and begin a process of uniting States and counties into a trade/distribution market with benefits accruing to the I–69 region and the entire State where I–69 traverses.

This process begins with the development of the infrastructure—the development of the I–69 corridor. With increased trade with Mexico, the potential economic benefits gained by the completion of the I–69 corridor are tremendous.

Mr. Chairman, I have merely scratched the surface with regards to the benefits I–69 will provide for the future of Texas and to the Nation. I urge my colleagues to vote in favor of this important highway legislation.

Ms. JACKSON-LEE. Mr. Chairman, as the House debates the National Highway System designated, I would like to commend the members of the Transportation and Infrastructure Committee on the bipartisan manner in which this legislation was written. Throughout my career in public service, I have worked very closely with transportation issues and I understand the impact that Federal highway programs have on everyone's daily lives.

Understanding the importance of a strong infrastructure, I am very pleased that this bill begins the process of funding Interstate Route 69, the Mid-Continent Highway. This superhighway, which will run from Mexico to Michigan will be a gigantic boost to our Nation's economy. With the increasing levels of commerce in North America due to the North American Free-Trade Agreement, a roadway that traverses the continent would be essential to helping the agreement reach its full potential.

The highway will help create thousands of jobs, improve industrial productivity, and reduce transportation costs. The prosperity of our Nation is directly linked on our ability to move people and goods efficiently. I applaud the committee for their support of Interstate 69 and look forward to continuing the process to bring the dream of this highway to fruition.

Mr. RADANOVICH. Mr. Chairman, as this House considers H.R. 2274, the National Highway System Designation Act, it continues to engage in a long standing debate on the broader issue of Federal mandates. As is found in the content of H.R. 2274, previous legislation of the 104th Congress has established a theme consistent with the main tenets of the 10th amendment to the U.S. Constitution which states "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The basis for which Chairman BUD SHUSTER's able leadership should be commended is in his clear commitment to the 10th amendment and to those efforts designed to empower the States and the people. Therefore, with the chairman's input, H.R. 2274 recognizes that individual States have unique needs and priorities that they are best suited to address. In addition, the legislation cuts the Federal seatbelts that attempt to harness individual citizens from dangers best determined by themselves.

There is no better example of Federal mandates being inconsistent with the Constitution than that of Federal statutes which require that

States pass laws requiring the use of motorcycle helmets or face reduced highway funding. The history of motorcycle helmet laws stems from the 102d Congress and 1991 legislation that rings with Federal bureaucracy: The Intermodal Surface Transportation Efficiency Act [ISTEA]. ISTEA penalizes States that do not enact motorcycle helmet and auto seat belt use laws by withholding up to 3 percent of their highway construction funds. The Motorcycle Riders Foundation has eloquently countered the faulty wisdom of these infallible laws in stating:

> Helmet laws raise very personal and emotional issues for motorcyclists. Issues like: adults being responsible for themselves; freedom of thought and expression; the government telling citizens how they must appear in public—a helmet is a piece of apparel; a person being forced to place an item on their body which they feel is not in their best interest and; the appropriate level of government control of and intervention into personal behavior.

I could not agree more with this rational position. This is why I am a cosponsor of H.R. 899, a bill to eliminate the penalties for noncompliance by States with the program requiring the use of motorcycle helmets. Chairman DON YOUNG, who presides over the Resources Committee of which I am a member, introduced this legislation to widespread support. Such support is most telling when recognizing that 202 Members have to date cosponsored the bill.

On this issue, let us heed the advice of the States and individual citizens who best understand transportation issues. And while the founder's of this country may not have envisioned automobiles or motorcycles they did have it quite right when they yielded to the principle that local issues are best solved by the insight of locals.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2274, the National Highway System Designation Act.

Mr. Chairman, this Member would begin by commending the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, as well as the distinguished gentleman from California [Mr. MINETA], the ranking member of the committee, for their work on this bill.

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

Mr. Chairman, it's been said that if you don't know where you're going, any road will get you there. This Member is pleased, however, that this legislation not only gives direction to the surface transportation needs of the future, it also designates which roads will get us there. The National Highway System will provide a blueprint for this Nation's highway needs by identifying the roadways most important for defense, commerce, and travel.

This Member is pleased that the National Highway System includes a number of routes which are of great importance to Nebraska. Of particular significance is the inclusion of a generalized representation of a new connector route linking Highway 20 to the expected site of the new Newcastle area-Vermillion Bridge over the Missouri River. The exact route will be finalized following more careful study.

The addition of this route was included due to this Member's recommendation and the approval of the Nebraska Department of Roads. The bridge and its access road will serve as a connector for one of the major north-south routes across Nebraska. This Member has long expressed concern that an adequate access road be provided for this project. It is also encouraging that State Highway 2 and U.S. Highway 81 in Nebraska are designated as components of the National Highway System.

Another important addition to the National Highway System is the highway mileage for what will eventually be a south and east bypass around the city of Lincoln, NE.

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

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

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

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

This Member is also very pleased that the bill includes a provision he introduced to provide regulatory relief for farmers and farm retailers. The provision specifies that regulations regarding maximum driving and on-duty time for motor carrier drivers will not apply to agricultural drivers transporting agricultural commodities or farm supplies within a 100-mile radius during the planting and harvesting seasons, as determined by each State.

The need for this change is obvious—each year farmers and their suppliers must be prepared to move quickly and work long hours when the weather permits. During certain weeks of the year, there is a small window of opportunity in the crop planting and harvesting season when the demand for farm supplies escalates. Unfortunately, this demand runs headlong into the Department of Transportation's regulations for the number of hours a driver can be "on duty." To address this problem, this Member introduced H.R. 526, which exempts farmers and retail farm suppliers from these requirements when operating within 100 miles of their farms or distribution points.

DOT's hours-of-service regulations are highly impractical, burdensome, and costly for farmers and farm suppliers because the law can require them to take 3 days off—at the peak of agricultural production—and wait in order to accumulate enough off-duty time to resume driving. This is because DOT regulations define "on duty" time as "all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work."

The hours-of-service regulations are directed toward long distance truck drivers. However, they also apply to the local distribution of farm input materials even though driving is incidental to the farm supplier's principal work function of servicing farmers. Over 80 percent of our Nation's farmers utilize farm suppliers to help them cope with environmental regulations; develop, implement, and manage precision agriculture; and harvest profitable crops that produce safe, abundant and affordable food for Americans and the world.

A specific exemption is certainly not without precedent. DOT has already recognized that the on-duty time of certain occupations is subject to special demands and DOT has granted seasonal waivers from hours-of-service requirements for small package delivery drivers during the holiday season and for the oil and natural gas industry. Farmers and farm suppliers engaged in the transport of fertilizer and fertilizer materials, agricultural chemicals, pesticides, seed, animal feeds, crops, and other essential farm supplies also deserve regulatory flexibility.

As harvesting season draws closer, the agricultural community will once again be confronted with the hurdles presented by the unreasonable hours-of-service requirements which were obviously not designed to accommodate the special circumstances faced by farmers. This legislation resolves the problem in a responsible manner.

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

Mr. ROGERS. Mr. Chairman, I rise in strong support of H.R. 2274, the National Highway System Designation Act. I commend the Transportation and Infrastructure Committee for the leadership and commitment it has displayed time and again to creating a strong,

viable transportation infrastructure to foster our Nation's economic development.

Infrastructure is the key to economic development, particularly in rural areas like mine. Without continued commitment to an adequate road system, the economies of areas like Southern and Eastern Kentucky will fail to improve. The National Highway System fulfills this commitment.

My district, located in the heart of Appalachia, continues to be poor relative to the rest of the Nation. Most of the area is located among mountainous terrain which, for years, has hindered access to my communities, resulting in geographic and economic isolation. Moreover, the mainstay of many of these counties' economies—the coal industry—has fallen on rough times, resulting in hardship that can only be reversed through investments that take many forms. One form of investment, highway infrastructure, may be the single most important to our future.

Therefore, I am delighted to see Southern and Eastern Kentucky has a strong presence on the National Highway System, a system that will serve us into the next century.

I commend the U.S. Department of Transportation and the Committee for recognizing the needs of my region. I strongly support their recommendations to designate several corridors in Southern and Eastern Kentucky as part of the proposed National Highway System. These corridors include: U.S. 27; I–75; the Daniel Boone Parkway and KY 80; U.S. 25 E east of I–75; the Mountain Parkway and its extension, KY 114; KY 15; U.S. 23; U.S. 119; and, U.S. 460 from Salyersville to Paintsville, KY.

Further, I commend the committee using this legislation, H.R. 2274, to take the next critical step forward on the East-West Trans-America Corridor—I–66. I thank the committee for working with me to designate the I–66 route from Virginia to Kansas, and for including provisions to designate of the Kentucky portion of the corridor through eastern and southern Kentucky.

Mr. Speaker, this legislation signifies a commitment to the transportation and economic development needs of this Nation. I urge all Members to support H.R. 2274.

Ms. DELAURO. Mr. Chairman, I think as we look at how this House should conduct its legislative business, that the bill before us today, the highway bill, should serve as a model. And, I commend members of the committee and the Republican leadership for allowing a full and thorough discussion of this legislation and all its implications.

The discussion of the highway bill has been ongoing for 7 months.

The first legislative draft was presented in August, giving members ample time to read it before the bill was introduced on September 7.

Finally, the committee held 6 days of public hearings on the highway bill, allowing the public to review the legislation and, more importantly, to allow the public to comment and testify on the legislation.

Unfortunately, the manner in which this legislation comes to the floor, stands in stark contrast to another piece of legislation in committee, regarding a $270 billion cut.

Instead of a month to study the legislation before it goes to the committee for a vote, the majority party will present its proposal for Medicare today and expect Members to be fully briefed for the hearing tomorrow.

Instead, of the 6 days of hearings that the highway bill received, legislation to radically alter the health care system that services 37 million American seniors, will have only a single day of hearings.

The American people have a right to full public hearings, on the GOP plan to cut $270 billion from Medicare to pay for a tax cut.

I commend members of the committee for their work on this highway bill. I wish that Republican members of the Ways and Means Committee would follow their example and allow full, public hearings on Medicare reform.

Mr. KIM. Mr. Chairman, I rise in strong support of the National Highway System bill.

I commend Chairman SHUSTER, Chairman PETRI and the other members of our committee for their success and hard work in bringing this bill to the floor.

As you know by now, we must pass this bill very soon.

If we don't, billions of Federal transportation dollars will be delayed.

But this is also a good bill.

It removes a number of burdensome mandates and restrictions on the States.

One of these restrictions would have a tremendous impact on my district in Orange County, CA.

There is a provision in Federal law which prohibits busses over a certain weight to travel on interstate highways.

The problem is that in order to comply with the Clean Air Act and the Americans with Disabilities Act, additional equipment must be added to the bus.

This equipment is very heavy.

And in Orange County, most of the public transit buses are now overweight.

Fortunately, there is an exemption for public transit buses that drive on interstate highways.

The Federal Highway Administration completed a study of this problem in 1994.

The study clearly stated that these busses do not create a safety hazard.

In addition, the Federal Highway Administration recommended that the busses be allowed to drive on the interstates until new, lighter busses are purchased by transit agencies.

Unfortunately, this exemption expires on October 6.

After October 6, these busses will not be allowed on the interstates.

In fact, the California Highway Patrol has already informed the Orange County Transit Authority that it will pull over these busses and force them to unload. This is ridiculous.

The Federal Highway Administration has already said there is no safety hazard, but the Highway Patrol will force the busses to unload.

To fix this problem, our bill exempts transit busses from the interstate restriction until ISTEA is reauthorized.

This will give Congress the opportunity to create a program that phases in new, lighter buses without penalizing existing transit authorities.

This is just one of the many ridiculous restrictions and mandates that our bill addresses.

It's a good bill, and I urge my colleagues to vote for final passage.

Mr. BARTLETT of Maryland. Mr. Chairman, a sharply-worded Cumberland Times editorial about U.S. Route 220 in western Maryland hit the highway nail right on the head; I quote: "U.S. Route 220 North is arguable the most dangerous stretch of highway in the (tri-state) area . . . (its) S-curves make the road an obstacle course fraught with danger." In addition to highlighting the frightening hazards of 220's three-mile twist in Allegany County, the Times editorial rightfully noted the value of an improved Route 220 to the economic development of a region ripe with promise and perfect for business growth. The inclusion of Route 220 as a designated highway in our national roadway network will serve as the foundation upon which the region can build a better 220 and, consequently, a brighter tomorrow for all those dependent upon it.

Before today, any substantial discussion in western Maryland about the overall economic development of the tri-state region was hindered by a lack of region-wide attention to—and funding for—Route 220. With this comprehensive bill and thanks to the effective leadership of Committee Chairman BUD SHUSTER and Maryland's State Highway Administration, we're seeing Route 220 get what it certainly deserves: a designated place in our national highway system. The measure before the House today appropriately includes the full stretches of Route 220—in Maryland, Pennsylvania and West Virginia—as key highway links in the National Highway System. As a result, planned improvements for Route 220 will receive federal funding priority. In the long history of Route 220, this is good news . . . very good news.

The improvement of Route 220 north of Cumberland is not only important to Maryland but also to our neighbors in Pennsylvania and West Virginia. Route 220 continues into these states from Maryland. Maryland—under the impressive guidance of Transportation Secretary David Winstead, Highway Administrator Hal Kassoff and House Speaker Cas Taylor—has authorized funding for right-of-way acquisition. Construction targets for Maryland's section of the road are within reach. For Route 220 to realize its full potential, it is imperative—as Speaker Taylor has consistently noted—that West Virginia, Maryland and Pennsylvania join forces to make Route 220 an asset to the region rather than a hurdle to development and safety. Improvements to Route 220 in any one of the three states must be matched by corresponding improvements to Route 220 in the others. I believe that this legislation is a terrific catalyst for such change, cooperation and progress.

I look forward to the continuation of a Route 220 coalition dedicated to the completion of 220 improvements throughout the region. I will soon be meeting with my colleagues from West Virginia and Pennsylvania in an effort to lend whatever assistance we can to the project.

At this juncture—and on behalf of those who share our interest in Route 220—I want to commend Chairman Shuster and urge the House to adopt the National Highway System language as detailed in the bill. The State of Maryland has advised me that more than 7,500 vehicles face the Route 220 minefield daily. That number is predicted to double by

2015. In the name of safety and for the benefit of the region, it is essential that we give Route 220 the attention it deserves and the backing it needs to become a reality rather than a roadblock to progress.

I also want to thank Subcommittee Chairman TOM PETRI for his assistance in redesignating $440,000 in unused funds from Rt. 48 in Washington County for use in the I–70/I–270 interchange project as part of H.R. 2274.

Frederick County is one of Maryland's fastest growing communities. Yet, the Frederick area is virtually the last place in America where major criss-crossing interstates lack complete, accessible and safe connecting interchanges and sufficient highway feeder networks. Construction of the I–70/I–270 interchange is one of the highest priorities in the state of Maryland. The release of this $440,000 will help accelerate the work on Phase I of this critical highway improvement project. This is one more step to ensure that Frederick County will remain an active force in the growth of the state's economy and that of the entire western Maryland region.

I thank Chairman SHUSTER and the Speaker for this opportunity and yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, as the debate proceeds on H.R. 2274, the National Highway System Designation Act, I want to register my views on several provisions that are of critical importance to the Nation as well as to my home State of Texas.

The bill establishes priorities for our highway and transportation needs. It provides us with a mechanism to support infrastructure projects which have national significance. One such project which I commend the committee for including in the legislation would extend high-priority corridor 18 from where it currently ends in Houston, TX, to the Mexican border in the Lower Rio Grande Valley.

The Rio Grande Valley of south Texas is one of the main gateways for goods entering and exiting the United States to Mexico. Its two main north-south transportation arteries, U.S. Highways 281 and 77, are the two busiest highways going to and from our southern border. In fact, in 1993, these two highways handled approximately 4.7 million vehicles, a fourth of which were trucks.

Rio Grande Valley highways service nine international border crossings which have a total of 30 lanes. In 1994, these nine ports of entry handled approximately 28.3 million crossings.

The extension of high-priority corridor 18 into the Lower Rio Grande Valley will link together many of the major economic centers of our Nation with Canada and Mexico, providing us with a seamless trade corridor for the safe and efficient flow of goods. The extension of corridor 18 into south Texas ties in with planned infrastructure developments in Mexico. The entire United States will benefit from this linkage which will enhance economic development and international trade.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the Lowey zero tolerance amendment to the national highway bill. At last, we have an amendment which will provide a Federal standard for making driving laws consistent with drinking laws. By restoring sensibility to our impaired driving laws, zero tolerance provisions make it illegal for underage persons to drink any amount of alcohol and then drive.

Driving inexperience and risk-taking behavior often leads teens to dangerous driving situations. If alcohol is introduced in the equation, it often becomes a deadly mixture. Research shows that young drivers are particularly susceptible to impaired judgment when driving under the influence of even small amounts of alcohol. A survey of Massachusetts teenagers who admitted consuming five or more drinks showed they were twice as likely to drive 20 miles over the speed limit, run red lights, and make illegal turns—and many without wearing their seat belts.

As of May 1995, 32 States and the District of Columbia have established lower blood alcohol contents [BAC's] for youthful drivers. Such provisions should be indiscriminately applied across all State lines, sending a clear message to our Nation's teens: If you are under 21 years old and are driving with any level of blood alcohol consumption, you will be considered intoxicated and your driver's license will be temporarily revoked.

Each year for the past decade, between 2,400 and 5,400 youths aged 15 to 24 were killed in alcohol-related crashes. If this amendment were adopted, it is estimated at least 375 single vehicle night fatal crashes would be prevented each year. These are more than just numbers—these are lives.

I applaud my colleague from New York, Ms. LOWEY, for her leadership in offering this amendment. I believe the time has come for us to engage in a national debate over the merits of formulating a new comprehensive alcohol policy. To that end, I am planning to offer a comprehensive alcohol bill in the coming weeks and would encourage my colleagues to lend their support. One provision of this bill parallels the ideas conveyed in the amendment we are debating today—establishing a national zero tolerance law for underage drinking drivers.

Responsible legislating can be manifested in various forms. Passing the Lowey zero tolerance amendment is the responsible thing to do. I urge my colleagues to adopt this amendment.

Mr. OBERSTAR. Mr. Chairman, the bill before us makes grave changes in the Nation's highway safety law, repealing national speed limits and mandatory helmet laws. The result will be a new, enormous unfunded mandate: Costs to the States as well as to the Federal Government and the general public of emergency, rehabilitative and long-term health care for those injured because these protections are gone; costs to employers of lost workdays; and costs to insurance companies, paid for by everyone who purchases insurance. An incalculable costs to family and friends, and to the victims themselves, who might have avoided injury or death if speed limits and helmet laws had remained in place.

The amendment I intended to offer would have required States, prior to raising their speed limits, to take a snapshot of the current costs of motor vehicle crashes, and another snapshot 1 year later, after changes had gone into effect. If we are going to permit repeal of safety laws, we should at least know the consequences of these actions.

The amendment agreed to with my good colleagues, which I offer now, is more modest. It requires the Secretary of the Department of Transportation, in cooperation with any State that raises its speed limit, to prepare a study of the costs to the State of deaths and injuries resulting from motor vehicle crashes, and the benefits associated with the repeal of the national maximum speed limit.

To provide meaningful, useful information, the report should include information on the costs before the State changes its safety laws, and after. It would thus be my intent that the Secretary's report, due September 30, 1997, include information on the costs of motor vehicle crashes in the year before changes go into effect; and again a year later.

That report should include, at a minimum, the costs of acute, rehabilitative and long-term medical care, sources of reimbursements and the extent to which these sources cover actual costs; and the costs to all levels of government, to employers, and others.

All States are not alike. Each State will want to know its own data, so that it can determine whether its problems are coming from alcohol-related or speed-related causes, from not wearing seatbelts or helmets, or other causes, and perhaps adjust its laws accordingly.

The report should therefore also include additional factors such as whether excess speed or alcohol were involved in the accident, whether seat belts and motorcycle helmets were used by those involved in the crash, and any other factors the Secretary may wish to add, or State to know.

We do know that the costs of motor vehicle crashes are substantial, even with the current laws in effect. NHTSA's data indicate that the lifetime economic costs of motor vehicle injuries, fatalities and property damage that occurred in 1990 will be $137.5 billion. American taxpayers will pay $11.4 billion of that total to cover publicly funded health care ($3.7 billion), reduced income tax revenue ($6.1 billion) and increased public assistance expenses ($1.6 billion).

The lifetime economic costs of alcohol-related motor vehicle injuries, fatalities and property damage that occurred in 1990 was $46.1 billion. Of this, the American taxpayer will pay $1.4 billion to cover publicly funded health care and $3.8 billion to cover reduced income tax revenue and increased public assistance.

States and the National Highway Traffic Safety Administration [NHTSA] have good data now on which to base the first report. NHTSA has been working with the States to develop such databases.

States want and need these data. The National Association of Governors' Highway Safety Representatives wrote on behalf of my original amendment:

> NAGHSR believes that such a requirement is both reasonable and necessary. It would allow every state to establish a baseline of data with which to determine the costs of motor vehicle crashes prior to the repeal of the mandatory federal safety requirements. It would also allow a state to determine the changes in these costs over time. States would be able to use the information to evaluate the effectiveness of their highway safety programs and Safety Management Systems. * * * The requirement will not be onerous to the States since crash cost information is already available through NHTSA.

The Federal Government—and Congress—have a legitimate interest in knowing what is happening on a Federal transportation system. We are not preventing States from doing what they want, but we and the States have a responsibility to know and squarely face the consequences of our actions.

We and the States need the facts. This report will provide the data and help guide future decisions. I urge my colleagues to support the amendment.

Mr. SHUSTER. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for the general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 2349 shall be considered by titles as an original bill for the purpose of amendment. The first two sections and each title are considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–252 if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

After disposition of that amendment, the bill as then perfected will be considered as original text.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the debate on the amendment relating to the repeal of the speed limit be limited to 1 hour, equally divided, 30 minutes on either side, and that the subsequent speed limit amendment be limited to 20 minutes divided equally on either side.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER pursuant to House Resolution 224: Page 11, line 18, strike "$360,420,595" and insert "$321,420,595".

Page 15, strike lines 12 through 14 and insert the following:

(B) by striking "1996, and 1997" and inserting "and 1996, and $146,000,000 for fiscal year 1997".

Page 25, line 5, strike "any" and all that follows through "limitation so that" on line 8 and insert the following:

section 5336(d) of title 49, United States Code, the Secretary shall distribute the limitation on operating assistance under such section—

(1) so that

Page 25, line 12, strike "fiscal year 1996" and insert "each of fiscal years 1996 and 1997".

Page 25, line 14, by striking the period and inserting ", and".

Page 25, after line 14, insert the following:

(2) so that an urbanized area that had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, will receive under the distribution of such limitation for each of fiscal years 1996 and 1997, 90 percent of the amount of funds apportioned in fiscal year 1982 under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 to such area.

Page 35, line 8, strike "shall be" and insert "shall not be less than".

Page 36, after line 9, insert the following:

(t) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 5320 of title 49, United States Code, is amended—

(1) in subsection (h)(1)(A) by striking "for the fiscal year ending September 30, 1992,";

(2) in subsection (h)(1)(B) by striking "for the fiscal year ending September 30, 1993,";

(3) in subsection (h)(1)(C) by striking "for the fiscal year ending September 30, 1994,"; and

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

"(l) DEADLINE.—

"(1) COMPLETION OF COMPETITION.—Notwithstanding any other provision of this section, not later than 60 days after the date of the enactment of this subsection, the Secretary shall complete the national competition initiated under subsection (c) by selecting the public entity referred to in subsection (c)(3).

"(2) THEREAFTER.—Following selection of the public entity in accordance with paragraph (1)—

"(A) the Secretary shall make to such public entity the payments under subsections (h)(1)(B) and (h)(1)(C); except that such payments shall be made in the form of grants under section 5312(a); and

"(B) the Secretary, upon completion of preliminary engineering and design, shall negotiate and enter into a full financing grant agreement with such public entity under subsection (e), consistent with section 5309(g).".

Page 36, line 10, strike "(t)" and insert "(u)".

Page 51, line 1, after "Secretary" insert ", in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration,".

Page 69, line 18, before "Arkansas" insert "Mississippi,".

Page 69, line 25, strike "(20)" and insert "(18)".

Page 71, line 17, strike the closing quotation marks and the final period.

Page 71, after line 17, insert the following:

"(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:

"(A) In the State of Texas, the Camino Real Corridor shall generally follow—

"(i) arterials from the international ports of entry to I–10 in El Paso County; and

"(ii) I–10 from El Paso County to the New Mexico border.

"(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—

"(i) I–10 from the Texas Border to Las Cruces; and

"(ii) I–25 from Las Cruces to the Colorado Border.

"(C) In the State of Colorado, the Camino Real Corridor shall generally follow I–25 from the New Mexico Border to Denver.".

Page 82, line 3, strike "and".

Page 82, line 15, strike the period and insert "; and".

Page 82, after line 15, insert the following:

(3) in item 33, relating to Orange County, New York, strike "Stuart Airport Interchange Project" and insert "Stewart Airport interchange projects".

Page 86, line 20, before the period insert ", including the structure over the Delaware River".

Page 93, line 17, strike "50" and insert "100".

Page 94, after line 13, insert the following:

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

Page 94, line 14, strike "(4)" and insert "(5)".

Page 96, after line 24, insert the following:

(6) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" means any motor vehicle, regardless of gross weight—

(A) used on highways in interstate or intrastate commerce in the furtherance of building, repairing, expanding, improving, maintaining, or operating any structures, facilities, excavations, poles, lines, or any other physical feature necessary for the delivery of public utility services, including the furnishing of electric, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented or otherwise contracted for by the utility.

Page 97, line 2, strike "erected under" and insert "referred to in".

Page 97, after line 12, insert the following:

SEC. 354. MOTOR CARRIER SAFETY PROGRAM.

Section 31136(e) of title 49, United States Code, is amended—

(1) by inserting "(1) IN GENERAL.—" before "After notice";

(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving paragraph (1), as so redesignated, 2 ems to the right; and

(3) by adding the following at the end:

"(2) MOTOR CARRIER SAFETY PROGRAM.—

"(A) IN GENERAL.—The Secretary, within 180 days of the application of an operator of motor vehicles with a gross vehicle weight rating of at least 10,001 pounds but not more than 26,000 pounds, shall exempt some or all of such vehicles and drivers of such vehicles from some or all of the regulations prescribed under this section and sections 504 and 31502 of this title if the Secretary finds such applicant—

"(i) has a current satisfactory safety fitness rating issued by the Secretary; and

"(ii) will implement a program of safety management controls designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section.

The Secretary shall modify the exemption if there is a material change in the regulations prescribed under such sections. In granting such exemption, the Secretary shall ensure that approved participants in the motor carrier safety program are subject to a minimum of paperwork and regulatory burdens.

"(B) MONITORING; EXEMPTION PERIOD.—The Secretary and participants in the program established by this paragraph shall periodically monitor the safety of vehicles and drivers exempted from regulations under the program. An exemption approved under subparagraph (A) shall remain in effect until such time as the Secretary finds—

"(i) that the operator has exceeded the average ratio of preventable accidents to vehicle miles travelled for a period of 12 months for the class of vehicles with a gross vehicle weight of at least 10,001 pounds but not more than 26,000 pounds; or

"(ii) that such operator's exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

"(C) FACTORS.—In approving applications under the program established by this paragraph, the Secretary shall—

"(i) ensure that applicants in the program represent a broad cross-section of fleet size and operators of vehicles between 10,000 and 26,000 pounds; and

"(ii) to the extent feasible, ensure participation by as many qualified applicants as possible.

"(D) LIMITATION.—The Secretary shall not grant the exemptions set forth in subparagraph (A) to vehicles—

"(i) designed to transport more than 15 passengers; including the driver; or

"(ii) used in transporting material found by the Secretary to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under such section 5103.

"(E) EMERGENCIES.—The Secretary may revoke or modify the participation of an operator in the program established by this section in the case of an emergency.

"(3) REVIEW OF REGULATIONS.—The Secretary shall conduct a zero-based review of the need and the costs and benefits of all regulations issued under this section and sections 504 and 31502 of this title to determine whether such regulations should apply to vehicles weighing between 10,000 and 26,000 pounds. The review shall focus on the appropriate level of safety and the paperwork and regulatory burdens of such regulations as they apply to operators of vehicles weighing between 10,000 and 26,000 pounds. The Secretary shall complete the review within 18 months after the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate.".

Conform the table of contents of the bill accordingly.

Mr. SHUSTER. Mr. Chairman, this is something I believe we have worked out. It is an en bloc amendment which makes several technical and conforming changes to existing provisions and adds noncontroversial, modest policy changes, reduces the authorized level of the State restoration program by $39 million in fiscal 1996, to eliminate a budget point of order, and to conform with a CBO estimate and strikes a fiscal 1996 National Highway Traffic Safety Administration rescission.

It makes technical and conforming changes which limit the distribution of operating assistance in light of budget cuts, and it makes technical and conforming changes to an IC transit project, description change, as well as other technical and conforming changes, and I would ask support for the amendment.

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

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

Mr. PETRI. Mr. Chairman, I would like to say we have worked on this closely with leaders on both sides of the aisle. I believe it has everyone's concurrence and it does just make conforming and technical changes.

The CHAIRMAN. Does any Member rise in opposition to the amendment? If not, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, we have reviewed the amendment on our side that addresses many of the concerns which we addressed in our opening comments. I commend the chairman for offering this amendment and we support it.

Mr. SHUSTER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER]

The amendment was agreed to.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Highway System Designation Act of 1995".

(b) TABLE OF CONTENTS.—

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

TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National Highway System designation.

TITLE II—HIGHWAY FUNDING RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. State high priority project restoration program.
Sec. 204. Rescissions.
Sec. 205. State unobligated balance flexibility.
Sec. 206. Minimum allocation.
Sec. 207. Relief from mandates.
Sec. 208. Definitions.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Distribution of transit operating assistance limitation.
Sec. 302. Accountability for high cost Federal-aid projects.
Sec. 303. Letters of intent and full financing grant and early systems work agreements.
Sec. 304. Report on capital projects.
Sec. 305. Repeal and modification of existing projects.
Sec. 306. Miscellaneous transit projects.
Sec. 307. Metropolitan planning for transit projects.
Sec. 308. Contracting for engineering and design services.
Sec. 309. Ferry boats and terminal facilities.
Sec. 310. Utilization of the private sector for surveying and mapping services.
Sec. 311. Formula grant program.
Sec. 312. Accessibility of over-the-road buses to individuals with disabilities.
Sec. 313. Alaska Railroad.
Sec. 314. Alcohol and controlled substances testing.
Sec. 315. Alcohol-impaired driving countermeasures.
Sec. 316. Safety research initiatives.
Sec. 317. Public transit vehicles exemption.
Sec. 318. Congestion mitigation and air quality improvement program.
Sec. 319. Quality improvement.
Sec. 320. Applicability of transportation conformity requirements.
Sec. 321. Quality through competition.
Sec. 322. Applicability of certain vehicle weight limitations in Wisconsin.
Sec. 323. Treatment of Centennial Bridge, Rock Island, Illinois, agreement.
Sec. 324. Metric requirements and signs.
Sec. 325. ISTEA technical clarification.
Sec. 326. Metropolitan planning for highway projects.
Sec. 327. Non-Federal share for certain toll bridge projects.
Sec. 328. Discovery and admission as evidence of certain reports and surveys.
Sec. 329. National recreational trails.
Sec. 330. Identification of high priority corridors.
Sec. 331. High priority corridor feasibility studies.
Sec. 332. High cost bridge projects.
Sec. 333. Congestion relief projects.
Sec. 334. High priority corridors on National Highway System.
Sec. 335. High priority corridor projects.
Sec. 336. Rural access projects.
Sec. 337. Urban access and mobility projects.
Sec. 338. Innovative projects.
Sec. 339. Intermodal projects.
Sec. 340. Miscellaneous revisions to Surface Transportation and Uniform Relocation Assistance Act of 1987.
Sec. 341. Eligibility.
Sec. 342. Orange County, California, toll roads.
Sec. 343. Miscellaneous studies.
Sec. 344. Collection of bridge tolls.
Sec. 345. National driver register.
Sec. 346. Roadside barrier technology.
Sec. 347. Motorist call boxes.
Sec. 348. Repeal of national maximum speed limit compliance program.
Sec. 349. Elimination of penalty for noncompliance for motorcycle helmets.
Sec. 350. Safety rest areas.
Sec. 351. Exemptions from requirements relating to commercial motor vehicles and their operators.
Sec. 352. Traffic control signs.

Sec. 353. Brightman Street Bridge, Fall River Harbor, Massachusetts.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. SECRETARY DEFINED.

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

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL HIGHWAY SYSTEM

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) INITIAL DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated September 1, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

"(d) MODIFICATIONS TO THE NHS.—

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

"(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System may only take effect if a law has been enacted approving such modification.

"(3) REQUIRED SUBMISSION.—

"(A) INITIAL SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

"(B) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System consisting of any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c).

"(4) INTERIM ELIGIBILITY.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), a modification to the National Highway System which adds to the National Highway System a connection to a major port, airport, international border crossing, public transportation or transit facility, interstate bus terminal, or rail or other intermodal transportation facility shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that such modification is consistent with criteria developed by the Secretary for such modifications to the National Highway System.

"(B) PERIOD OF ELIGIBILITY.—A modification to the National Highway System which is eligible under subparagraph (A) for funds apportioned under section 104(b)(1) may remain eligible for such funds only until the date on which a law has been enacted approving modifications to the National Highway System which connect the National Highway System to facilities referred to in subparagraph (A).".

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—HIGHWAY FUNDING RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Funding Restoration Act of 1995".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) Federal infrastructure spending on highways is critical to the efficient movement of goods and people in the United States;

(2) section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 has been estimated to result in fiscal year 1996 highway spending being reduced by as much as $4,200,000,000;

(3) such section 1003(c) will cause every State to lose critical funds from the Highway Trust Fund that can never be recouped; and

(4) the funding reduction would have disastrous effects on the national economy, impede interstate commerce, and jeopardize the 40-year Federal investment in the Nation's highway system.

(b) PURPOSES.—The purposes of this Act are—

(1) to make the program categories in the current Federal-aid highway program more flexible so that States may fund current, high-priority projects in fiscal year 1996;

(2) to eliminate programs that are not critical during fiscal year 1996 and to reallocate funds so that the States will be able to continue their core transportation infrastructure programs;

(3) to restore funding for exempt highway programs;

(4) to ensure the equitable distribution of funds to urbanized areas with a population over 200,000 in a manner consistent with the Intermodal Surface Transportation Efficiency Act of 1991; and

(5) to suspend certain penalties that would be imposed on the States in fiscal year 1996.

SEC. 203. STATE HIGH PRIORITY PROJECT RESTORATION PROGRAM.

(a) IN GENERAL.—On October 1 of each of fiscal years 1996 and 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available to carry out this section for Interstate highway substitute, National Highway System, surface transportation program, Interstate, congestion mitigation and air quality improvement program, bridge, hazard elimination, and rail-highway crossings projects.

(b) ALLOCATION FORMULA.—Funds made available to carry out this section shall be allocated among the States in accordance with the following table:

States:	Allocation Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

(c) EFFECT OF ALLOCATIONS.—Funds distributed to States under subsection (b) shall not affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts made available to carry out this section shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 succeeding fiscal years and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—

(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under this section for a fiscal year shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3) of title 23, United States Code.

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) of title 23, United States Code, to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

(f) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of title 23, United States Code (relating to transportation planning). 1½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of such title (relating to transportation planning and research).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $360,420,595 for fiscal year 1996 and $155,000,000 for fiscal year 1997.

(h) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Except as otherwise provided in this section, funds allocated under this section shall be available for obligation in the same manner and for the same purposes as if such funds were apportioned under chapter 1 of title 23, United States Code.

(i) TERRITORIES DEFINED.—In this section, the term "territories" means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 204. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1995, and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the following unobligated balances available on September 30, 1995, of funds made available for the following provisions are hereby rescinded:

(1) $78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) $798,701.04 made available by section 131(j) of the Surface Transportation Assistance Act of 1982.

(3) $942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) $88,195 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) $155,174.41 made available for section 149(a)(111)(E) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) $36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) $34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(8) $164,532 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) $86,070.82 made available for section 149(a)(111)(M) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) $52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) $909,131 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) $3,817,000 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) $797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) $2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) $44,706,878 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(16) $15,401,107 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) $1,000,000 made available by item number 38 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) $150,000,000 deducted by the Secretary under section 104(a) of title 23, United States Code.

(19) $10,800,000 made available by section 5338(a)(1) of title 49, United States Code.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—

(1) MAGNETIC LEVITATION.—Section 1036(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(A) in subparagraph (A) by inserting "and" after "1994,";

(B) in subparagraph (A) by striking ", $125,000,000" and all that follows through "1997"; and

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

(2) HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of such Act (105 Stat. 2079) is amended—

(A) by striking "and" the first place it appears and inserting a comma; and

(B) by striking ", 1995, 1996, and 1997" and inserting "and 1995, and $146,000,000 for each of fiscal years 1996 and 1997".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the day after the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of such Act.

(c) CONGESTION PRICING PILOT PROGRAM TRANSFERS.—After the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the amounts made available for fiscal years 1996 and 1997 to carry out section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938) shall be available to carry out section 203 of this Act, relating to the State high priority restoration program.

SEC. 205. STATE UNOBLIGATED BALANCE FLEXIBILITY.

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On October 1, 1995, or as soon as possible thereafter, the Secretary shall notify each State of the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to such State, and that would have been apportioned to such State, as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct—

(A) the amount allocated to each State in fiscal year 1996 to carry out section 203 of this Act, relating to the State high priority project restoration program; and

(B) any amounts made available under section 157(a)(4)(B)(iii) of title 23, United States Code, for fiscal year 1996.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects described in section 203(a) of this Act in fiscal year 1996 an amount not to exceed the amount determined under subsection (a) for the State. Such funds shall be made available from authorized funds that were allocated or apportioned to such State and were not obligated as of September 30, 1995. The State shall designate on or before November 1, 1995, or as soon as possible thereafter which of such authorized funds are to be made available under this section to carry out such projects. The Secretary shall make available before November 15, 1995, or as soon as possible thereafter funds designated under the preceding sentence to the State.

(c) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds which were apportioned to the State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may only be designated by the State under subsection (b) if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(d) CONGESTION MITIGATION AND AIR QUALITY BALANCES.—States may designate under subsection (b) funds apportioned under section 104(b)(2) of title 23, United States Code, and not obligated as of September 30, 1995, to carry out projects described in section 203(a) of this Act only if such funds will be obligated in areas described in section 104(b)(2) of such title or, in the case of a State which does not include such an area, the funds may be obligated in any area of the State.

(e) INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) any more than ⅓ of funds apportioned or allocated to the State for Interstate construction and not obligated as of September 30, 1995.

(f) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be available for obligation for the same period for which such amounts were originally made available for obligation and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(h) STATE.—In this section and section 203, the term "State" has the meaning such term has under section 401 of title 23, United States Code.

SEC. 206. MINIMUM ALLOCATION.

(a) FORMULA.—Section 157(a)(4) of title 23, United States Code, is amended—

(1) by striking "In fiscal" and inserting the following:

"(A) IN GENERAL.—In fiscal";

(2) by inserting "funds authorized to be appropriated by subsection (f)" after "shall allocate";

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

(4) by adding at the end the following:

"(B) ADDITIONAL ALLOCATION.—If the aggregate amount allocated to the States under subparagraph (A) after application of section 1003(c) the Intermodal Surface Transportation Efficiency Act of 1991 for any fiscal year beginning after September 30, 1995, is less than the amount authorized to be appropriated to carry out this section for such fiscal year, then the excess of such authorized amount shall be allocated as follows:

"(i) The Secretary shall first allocate to each State such amount as may be necessary to increase the allocation under subparagraph (A) to the amount that would have been allocated to the State for such fiscal year if the full amount of the funds authorized to be appropriated for such fiscal year by such Act out of the Highway Trust Fund (other than the Mass Transit Account) were appropriated without regard to such section 1003(c).

"(ii) If any of such excess remains after the allocation under clause (i), the Secretary shall allocate to each State such amount as may be necessary so that the amount authorized to be appropriated for such fiscal year for each project to be carried out in such State under sections 1103 through 1108 of such Act without regard to section 1003(c) of such Act is available for the project.

"(iii) The Secretary shall allocate among the States any excess remaining after the allocations under clauses (i) and (ii) so that each State is allocated the following percentages of the remaining excess:

"States:	Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

"(C) TERRITORIES DEFINED.—In this paragraph, the term 'territories' means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—Section 157 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively, and

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

"(d) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—

"(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under subsection (a)(4)(B)(iii) for each of fiscal years 1996 and 1997 shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3).

"(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

"(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

"(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).".

(c) FUNDING.—Section 157(f) of such title, as redesignated by subsection (b), is amended by inserting before the period the following: "and before October 1, 1995, $1,101,000,000 for fiscal year 1996, $1,378,000,000 for fiscal year 1997".

SEC. 207. RELIEF FROM MANDATES.

(a) MANAGEMENT SYSTEMS.—The Secretary shall not take any action pursuant to or enforce the provisions of section 303(c) of title 23, United States Code, with respect to any State during fiscal year 1996.

(b) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1987–1990) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 208. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORIZED FUNDS.—The term "authorized funds" means funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out title 23, United States Code (other than sections 402 and 410) and the Intermodal Surface Transportation Efficiency Act of 1991 and subject to an obligation limitation.

(2) URBANIZED AREA.—The term "urbanized area" has the meaning such term has under section 101(a) of title 23, United States Code.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DISTRIBUTION OF TRANSIT OPERATING ASSISTANCE LIMITATION.

(a) IN GENERAL.—Notwithstanding any limitation otherwise imposed on operating assistance under section 5307 of title 49, United States Code, the Secretary shall distribute such limitation so that each urbanized area (as such term is defined under section 5302 of such title) that had a population under the 1990 decennial census of the United States of less than 200,000 will receive, under the distribution of such limitation for fiscal year 1996, 75 percent of the amount the area received under the distribution of such limitation for fiscal year 1995.

(b) CONSIDERATION.—In the distribution of the limitation referred to in subsection (a) to urbanized areas that had a population under the 1990 decennial census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

SEC. 302. ACCOUNTABILITY FOR HIGH COST FEDERAL-AID PROJECTS.

(a) REQUIREMENTS.—The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of $1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

(b) RECOMMENDATIONS ON WITHHOLDING OF ASSISTANCE.—As part of an annual report to be submitted under subsection (c), the Secretary shall make a recommendation to Congress on whether or not future Federal assistance should be withheld with respect to any project described in subsection (a) for which an annual financial plan is not submitted under subsection (a) or for which the Secretary determines that the estimates or assumptions referred to in subsection (a) are not reasonable.

(c) REPORT.—The Secretary shall submit to Congress an annual report on the financial plans submitted to the Secretary under this section, and any recommendation made by the Secretary under subsection (b), in the preceding fiscal year.

SEC. 303. LETTERS OF INTENT AND FULL FINANCING GRANT AND EARLY SYSTEMS WORK AGREEMENTS.

Section 5309(g) of title 49, United States Code, is amended—

(1) by indenting and dropping paragraph (1) down 1 line;

(2) by moving all the paragraphs, subparagraphs, and clauses of such section 2 ems to the right;

(3) by inserting after "(1)" the first place it appears the following: "LETTERS OF INTENT.—";

(4) in paragraph (1)(B) by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure";

(5) by inserting after (2) the first place it appears "FULL FINANCING GRANT AGREEMENTS.—";

(6) by inserting after (3) the first place it appears "EARLY SYSTEM WORK AGREEMENTS.—";

(7) by inserting after (4) the first place it appears "TOTAL ESTIMATED FUTURE OBLIGATIONS AND CONTINGENT COMMITMENTS.—"; and

(8) by adding at the end the following:

"(5) PREAUTHORIZATION OF FULL FEDERAL FINANCIAL RESPONSIBILITY.—

"(A) IN GENERAL.—After the date of the enactment of this paragraph and before the date on which Federal-aid highway and transit programs are reauthorized, the Secretary of Transportation may not issue a letter of intent, or enter into a full financing grant agreement or early systems work agreement, under this section for a project or operable segment of a project unless the full amount of Federal financial responsibility for the project or operable segment of a project has been included in an authorization law.

"(B) LIMITATION.—The prohibition on entering into a full financing grant agreement under this paragraph shall not apply—

"(i) to any project for which a letter of intent was issued before the date of the enactment of this paragraph; and

"(ii) to any project included as an element of an interrelated project which also includes another project for which a letter of intent was issued before such date of enactment.".

SEC. 304. REPORT ON CAPITAL PROJECTS FOR FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING FIXED GUIDEWAY SYSTEMS.

Section 5309(m) of title 49, United States Code, is amended—

(1) by indenting and dropping paragraph (1) down 1 line;

(2) by moving all the paragraphs and subparagraphs of such section 2 ems to the right;

(3) by inserting "PERCENTAGES.—" after "(1)" the first place it appears;

(4) by inserting "NONURBANIZED AREA ALLOCATION.—" after "(2)" the first place it appears;

(5) by inserting "REPORTS.—" after "(3)" the first place it appears;

(6) in paragraph (3) by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure";

(7) in paragraph (3) by striking "a proposal on the allocation" and inserting "a report on the proposed allocation";

(8) in paragraph (3) by adding at the end the following:

"Such report shall include for each such capital project the following:

"(A) An analysis of the potential funding requirements of the project under paragraph (1)(B) in the succeeding 5 fiscal years.

"(B) A description of the planning and study process undertaken to select the locally preferred alternative for the project.

"(C) A description of efforts undertaken to seek alternative funding sources for the project."; and

(9) by inserting "MULTIPLE ALLOCATIONS.—" after "(4)" the first place it appears.

SEC. 305. REPEAL AND MODIFICATION OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(ww) of such Act (105 Stat. 2136) is amended by striking "$618,000,000" and inserting "$541,100,000".

SEC. 306. MISCELLANEOUS TRANSIT PROJECTS.

(a) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended—

(1) by inserting after "Hudson River Waterfront Transportation System" the following: "(including corridor connections to and within the city of Bayonne)"; and

(2) by inserting after "Concourse," the following: "the West Shore Line,".

(b) NORTH BAY FERRY SERVICE.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking "$8,000,000" and all that follows through "1993" and inserting "$17,000,000".

(c) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—Section 3035(d) of such Act is amended by striking "$1,000,000" and all that follows through "1993" and inserting "$12,000,000".

(d) CENTRAL AREA CIRCULATOR PROJECT.—Section 3035(e) of such Act is amended by striking the last sentence which begins "Such amount".

(e) SALT LAKE CITY LIGHT RAIL PROJECT.—Section 3035(f) of such Act is amended by inserting after "including" the following: "related high-occupancy vehicle lane, intermodal corridor design,".

(f) LOS ANGELES-SAN DIEGO RAIL CORRIDOR IMPROVEMENT PROJECT.—Section 3035(g) of such Act is amended by striking "not less than" the 1st place it appears and all that follows through "1994" and inserting "$20,000,000".

(g) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—Section 3035(h) of such Act is amended—

(1) by striking "July 1, 1994" and inserting "September 30, 1996"; and

(2) by striking "August 1, 1994," and inserting "October 31, 1996,".

(h) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act is amended—

(A) by striking "6.4 miles" and inserting "9.6 miles";

(B) by striking "10 stations" and inserting "not to exceed 14 stations";

(C) by striking "such light rail line" and inserting "the program of interrelated projects identified in section 5328(c)(1)(G) of title 49, United States Code,"; and

(D) by striking "of such elements" and inserting "element of such program of interrelated projects".

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 5328(c)(1)(G) of title 49, United States Code, is amended by striking "Camp Wisdom" and inserting "Interstate Route 20, L.B.J. Freeway".

(i) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act is amended by striking "$1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993" and inserting "$5,900,000".

(j) DOWNTOWN ORLANDO CIRCULATOR PROJECT.—Section 3035(l) of such Act is amended—

(1) by striking the subsection heading and inserting "DOWNTOWN ORLANDO CIRCULATOR PROJECT";

(2) by striking "No later than April 30, 1992, the" and inserting "The";

(3) by striking "for" the second place it appears and all that follows through the period at the end and inserting "and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.".

(k) DETROIT LIGHT RAIL PROJECT.—Section 3035(m) of such Act is amended by striking "not less than" the first place it appears and all that follows through "1993," and inserting "$20,000,000".

(l) LAKEWOOD-FREEHOLD-MATAWAN OR JAMESBURG RAIL PROJECT.—Section 3035(p) of such Act is amended by striking "$1,800,000" and all that follows through "1994" and inserting "$7,800,000".

(m) CHARLOTTE LIGHT RAIL STUDY.—Section 3035(r) of such Act is amended by striking "$125,000" and all that follows through "1993" and inserting "$500,000".

(n) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking "MID COAST LIGHT RAIL PROJECT" and inserting "METROPOLITAN TRANSIT IMPROVEMENT PROGRAM";

(2) by striking "No later than April 30, 1992, the" and inserting "The"; and

(3) by striking ", $2,000,000" and all that follows through the period and inserting "$27,000,000 for the integrated project financing of the San Diego Mid Coast and Mission Valley East Corridor fixed guideway projects.".

(o) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act is amended by striking the text and inserting the following: "From funds made available under section 5309(m)(1)(C) of title 49, United States Code, the Secretary shall make available $63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle which is accessible to and usable by individuals with disabilities.".

(p) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of such Act is amended—

(1) in paragraph (1) by striking "as follows:" and all that follows through "1994." and inserting "and shall be $60,000,000.";

(2) in paragraph (2) by striking "as follows:" and all that follows through the period at the end of subparagraph (C) and inserting "and shall total $160,000,000."; and

(3) in paragraph (3) by striking "for fiscal year 1993".

(q) DULLES CORRIDOR RAIL PROJECT.—Section 3035(aaa) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "the completion" and all that follows through "engineering for".

(r) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—Section 3035(bbb) of such Act is amended to read as follows:

"(bbb) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available $300,000,000 for the Central Puget Sound Regional Transit Project.".

(s) CANAL STREET CORRIDOR LIGHT RAIL.—Section 3035(fff) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "negotiate" and all that follows through "includes" and inserting "make available".

(t) ADDITIONAL TRANSIT PROJECTS.—

(1) CANTON-AKRON-CLEVELAND COMMUTER RAIL.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available $6,500,000 for the Canton-Akron-Cleveland Commuter Rail project.

(2) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL.—From funds made available under such section, the Secretary shall make available $2,000,000 for the Cincinnati Northeast/Northern Kentucky Rail project.

(3) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds made available under

such section, the Secretary shall make available $2,500,000 for the DART North Central Light Rail Extension project.

(4) DALLAS-FORT WORTH RAILTRAN.—From funds made available under such section, the Secretary shall make available $5,000,000 for the Dallas-Fort Worth RAILTRAN project.

(5) FLORIDA TRI-COUNTY COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available $10,000,000 for the Florida Tri-County Commuter Rail project.

(6) MIAMI-NORTH 27TH AVENUE.—From funds made available under such section, the Secretary shall make available $2,000,000 for the Miami-North 27th Avenue project.

(7) MEMPHIS, TENNESSEE, REGIONAL RAIL PLAN.—From funds made available under such section, the Secretary shall make available $2,500,000 for the Memphis, Tennessee, Regional Rail Plan project.

(8) NEW ORLEANS CANAL STREET CORRIDOR.—From funds made available under such section, the Secretary shall make available $10,000,000 for the New Orleans Canal Street Corridor project.

(9) ORANGE COUNTY TRANSITWAY.—From funds made available under such section, the Secretary shall make available $5,000,000 for the Orange County Transitway project.

(10) WHITEHALL FERRY TERMINAL, NEW YORK, NEW YORK.—From funds made available under such section, the Secretary shall make available $5,000,000 for the Whitehall Ferry Terminal project.

(11) WISCONSIN CENTRAL COMMUTER.—From funds made available under such section, the Secretary shall make available $14,400,000 for the Wisconsin Central Commuter project.

(12) SAN JUAN, PUERTO RICO, TREN URBANO.—From funds made available under such section, the Secretary shall make available $15,000,000 for the San Juan, Puerto Rico, Tren Urbano project.

(13) TAMPA TO LAKELAND COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available $1,000,000 for the Tampa to Lakeland Commuter Rail project.

SEC. 307. METROPOLITAN PLANNING FOR TRANSIT PROJECTS.

Section 5303(b) of title 49, United States Code, is amended by adding at the end the following:

"(16) recreational travel and tourism.".

SEC. 308. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 5325 of title 49, United States Code, is amended by adding at the end the following:

"(e) SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.—

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

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

"(3) STATE OPTION.—Paragraphs (1) and (2) shall take effect 2 years after the date of the enactment of this subsection with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such paragraphs shall not apply with respect to such State.".

SEC. 309. FERRY BOATS AND TERMINAL FACILITIES.

Section 129(c)(5) of title 23, United States Code, is amended—

(1) by inserting before the period at the end of the first sentence the following: "or between a point in a State and a point in the Dominion of Canada"; and

(2) in the second sentence by inserting after "Puerto Rico" the following: ", between a point in a State and a point in the Dominion of Canada,".

SEC. 310. UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES.

Section 306 of title 23, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "In"; and

(2) by adding at the end the following:

"(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for highway projects under this title. In carrying out this subsection, the Secretary shall determine appropriate roles for State and private mapping and surveying activities, including—

"(1) preparation of standards and specifications;

"(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

"(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

"(4) establishing a schedule with quantifiable goals for increasing the use by the States of private sector sources for surveying and mapping activities.".

SEC. 311. FORMULA GRANT PROGRAM.

(a) TRANSIT SECURITY SYSTEMS.—Section 5307(d)(1)(J)(i) of title 49, United States Code, is amended by inserting before "and any other" the following: "employing law enforcement or security personnel in areas within or adjacent to such systems,".

(b) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 5336 of title 49, United States Code, for fiscal years beginning after September 30, 1995, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of "fixed guideway vehicle revenue miles" and "fixed guideway route miles" attributable to the Los Angeles urbanized area under sections 5336(b)(2)(A) and 5335 of such title.

SEC. 312. ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES.

Section 306(a)(2)(B)(iii) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)(iii)) is amended—

(1) in subclause (I) by striking "7 years after the date of the enactment of this Act" and inserting "3 years after the date of issuance of final regulations under subparagraph (B)(ii)"; and

(2) in subclause (II) by striking "6 years after such date of enactment" and inserting "2 years after the date of issuance of such final regulations".

SEC. 313. ALASKA RAILROAD.

Section 5337(a)(3)(B) of title 49, United States Code, is amended by adding at the end the following: "The Alaska Railroad is eligible for assistance under this subparagraph with respect to improvements to its passenger operations.".

SEC. 314. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

(a) MASS TRANSIT TESTING.—Section 5331(b)(1)(A) of title 49, United States Code, is amended to read as follows:

"(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under sections 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol.".

(b) RAILROAD TESTING.—Section 20140(b)(1)(A) of title 49, United States Code, is amended to read as follows:

"(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and".

(c) MOTOR CARRIER TESTING.—Section 31306(b)(1)(A) of such title is amended to read as follows:

"(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of controlled substance in violation of law or a United States Government regulation and to

conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.".

(d) AVIATION TESTING.—

(1) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—Section 45102(a)(1) of title 49, United States Code, is amended to read as follows:

"(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.".

(2) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—Section 45102(b)(1) of title 49, United States Code, is amended to read as follows:

"(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.".

SEC. 315. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking "the date of enactment of this section" and inserting "December 18, 1991".

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is further amended—

(1) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B) A State shall be treated as having met the requirement of this paragraph if—

"(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

"(ii) the State demonstrates to the satisfaction of the Secretary—

"(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

"(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years."; and

(2) by adding at the end the following:

"(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.".

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is amended by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

SEC. 316. SAFETY RESEARCH INITIATIVES.

(a) OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS.—

(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities which incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States which have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall carry out the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.

(b) WORK ZONE SAFETY.—In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

(1) Conferences to explore new techniques and stimulate dialogue for improving work zone safety.

(2) Creation of a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

(3) A national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

(c) RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(1) STUDY.—The Secretary shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) EQUIPMENT.—Equipment developed under the study to be conducted under subsection (a) shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

(A) temporary obstructions in a highway;

(B) poor visibility and highway surface conditions caused by adverse weather; and

(C) movement of emergency vehicles.

(3) SAFETY APPLICATIONS.—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

SEC. 317. PUBLIC TRANSIT VEHICLES EXEMPTION.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) by striking "2-year" the first place it appears and all that follows through "Act," and inserting "period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995,"; and

(2) by striking the second sentence.

SEC. 318. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting "if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and" after "program" the 2nd place it appears; and

(B) in paragraph (1)(A) by striking "contribute" and all that follows through "; or" and inserting the following: "contribute to—

"(i) the attainment of a national ambient air quality standard; or

"(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or".

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

(A) in the second sentence, by striking "is a nonattainment area (as defined in the Clean Air Act) for ozone" and inserting "was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994"; and

(B) in the third sentence—

(i) by striking "is also" and inserting "was also"; and

(ii) by inserting "during any part of fiscal year 1994" after "monoxide".

(b) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, any limitation under an amendment made by this section on an apportionment of funds otherwise authorized under section 1003(a)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) shall not affect any hold harmless apportionment adjustment under section 1015(a) of such Act (105 Stat. 1943).

SEC. 319. QUALITY IMPROVEMENT.

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

"(e) LIFE-CYCLE COST ANALYSIS.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System with an estimated total cost of $25,000,000 or more.

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

(b) VALUE ENGINEERING.—Such section is further amended by adding at the end the following:

"(f) VALUE ENGINEERING FOR NHS.—

"(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of $25,000,000 or more.

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

SEC. 320. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking "plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended." and inserting the following: "plan for—

"(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

"(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).".

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

"(5) APPLICABILITY.—This subsection shall apply only with respect to—

"(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

"(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.".

SEC. 321. QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

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

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

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

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

SEC. 322. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.".

SEC. 323. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

SEC. 324. METRIC REQUIREMENTS AND SIGNS.

(a) PLACEMENT OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) MODIFICATION OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or measurement using the metric system.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) HIGHWAY.—The term "highway" has the meaning such term has under section 101 of title 23, United States Code.

(2) METRIC SYSTEM.—The term "metric system" has the meaning the term "metric system of measurement" has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

SEC. 325. ISTEA TECHNICAL CLARIFICATION.

Section 131(s) of title 23, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: "; except that nothing in this subsection or section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 shall restrict, or otherwise be applied by the Secretary to affect, the authority of a State under subsection (d) of this section with respect to commercial or industrial areas or the authority of a State under subsection (k) of this section to establish standards imposing stricter limitations than those established in this subsection.".

SEC. 326. METROPOLITAN PLANNING FOR HIGHWAY PROJECTS.

Section 134(f) of title 23, United States Code, is amended by adding at the end the following:

"(16) Recreational travel and tourism.".

SEC. 327. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: "Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.".

SEC. 328. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS.

Section 409 of title 23, United States Code, is amended by inserting "or collected" after "compiled".

SEC. 329. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (33 U.S.C. 1261(c)) is amended—

(1) by striking "Act" each place it appears and inserting "part";

(2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

"(3) SIXTH YEAR PROVISION.—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.".

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

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

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) contracting for services with other land management agencies; and".

(c) ENVIRONMENTAL MITIGATION.—

(1) IN GENERAL.—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended—

(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).".

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking "paragraphs (6) and (8)(B)" and inserting "paragraphs (7) and (9)(B)".

(d) EXCLUSIONS.—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

(1) by striking "(7) SMALL STATE EXCLUSION.—" and inserting the following:

"(7) EXCLUSIONS.—

"(A) SMALL STATE.—";

(2) by moving the text of subparagraph (A), as designated by paragraph (1), 2 ems to the right; and

(3) by adding at the end the following:

"(B) BEST INTEREST OF A STATE.—Any State which determines based on trail needs identified in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.".

(e) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

(1) by inserting "the State" before "may be exempted"; and

(2) by striking "and expended or committed" and all that follows before the period.

(f) ADVISORY COMMITTEE.—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—

(1) by striking "11 members" and inserting "12 members";

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) 1 member appointed by the Secretary representing individuals with disabilities;".

SEC. 330. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

(a) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5)(A) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

"(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

"(I) United States Route 220 from the Virginia-North Carolina border to I-581 south of Roanoke;

"(II) I-581 to I-81 in the vicinity of Roanoke;

"(III) I-81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

"(IV) United States Route 460 to the West Virginia State line.

"(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

"(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

"(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

"(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

"(I) in the case of I-73—

"(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

"(bb) State Route 68 to I-40;

"(cc) I-40 to United States Route 220 in Greensboro;

"(dd) United States Route 220 to United States Route 1 near Rockingham;

"(ee) United States Route 1 to the South Carolina State line; and

"(ff) South Carolina State line to Charleston, South Carolina; and

"(II) in the case of I-74—

"(aa) I-77 from Bluefield, West Virginia, to the junction of I-77 and the United States Route 52 connector in Surry County, North Carolina;

"(bb) the I-77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

"(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

"(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

"(ee) United States Route 220 to United States Route 74 near Rockingham;

"(ff) United States Route 74 to United States Route 76 near Whiteville;

"(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

"(hh) South Carolina State line to Charleston, South Carolina.";

(2) in paragraph (18)—

(A) by striking "and";

(B) by inserting "Arkansas," after "Tennessee,"; and

(C) by inserting before the period at the end the following: ", and to the Lower Rio Grande Valley at the border between the United States and Mexico";

(3) by inserting before the period at the end of paragraph (20) the following: ", and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181"; and

(4) by adding at the end the following:

"(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

"(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.

"(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

"(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.

"(26) The CANNAMEX CORRIDOR from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Great Falls, Montana, to the Canadian Border as follows:

"(A) In the State of Arizona, the CANAMEX CORRIDOR shall generally follow—

"(i) I-19 from Nogales to Tucson;

"(ii) I-10 from Tucson to Phoenix; and

"(iii) United States Route 93 from Phoenix to the Nevada Border.

"(B) In the State of Nevada, the CANAMEX CORRIDOR shall follow—

"(i) United States Route 93 from the Arizona Border to Las Vegas; and

"(ii) I-15 from Las Vegas to the Utah Border.

"(C) From the Utah Border to the Canadian Border, the CANAMEX CORRIDOR shall follow I-15.".

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e) of such Act (105 Stat. 2033) is amended by adding at the end the following:

"(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Where not a part of the Interstate System, the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B) (other than the portion located in the State of West Virginia), in subsection (c)(9), and in subsections (c)(18) and (c)(20) are hereby designated future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—

"(A) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

"(B) connects to an existing Interstate System segment and functions as a safe and usable segment.".

SEC. 331. HIGH PRIORITY CORRIDOR FEASIBILITY STUDIES.

(a) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033) is amended by adding at the end the following new sentence: "A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.".

(b) EAST-WEST TRANSAMERICA CORRIDOR.—With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to

section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

SEC. 332. HIGH COST BRIDGE PROJECTS.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027-2028) is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the bypass of" after "replacement".

SEC. 333. CONGESTION RELIEF PROJECTS.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029-2031) is amended—

(1) in item number 1, relating to Long Beach, California, by striking "HOV Lanes on" and inserting "downtown Long Beach access ramps into the southern terminus of";

(2) in item number 10, relating to San Diego, California, by striking "1 block of Cut and Cover Tunnel on Rt. 15" and inserting "bridge decking on Route 15";

(3) in item number 23, relating to Tucson, Arizona, by inserting ", of which a total of $3,609,620 shall be available for the project authorized by item number 74 of the table contained in section 1106(b)" after "in Tuscon, Arizona"; and

(4) in item number 43, relating to West Virginia, by striking "Coal Fields" and inserting "Coalfields".

SEC. 334. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: "commencing on the Atlantic Coast in the Hampton Roads-Norfolk area going westward across Virginia to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I-73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting Western Missouri and entering the southeast corner of Kansas".

SEC. 335. HIGH PRIORITY CORRIDOR PROJECTS.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033-2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after "For" the following: "the segment described in item 6 of this table and up to $11,000,000 for";

(2) in item 2, relating to Alabama, Georgia, Mississippi, Tennessee, by inserting after "Rt. 72" the following: "and up to $1,500,000 from the State of Alabama's share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure"; and

(3) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking "Newberry" and inserting "Evansville".

SEC. 336. RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037-2042) is amended—

(1) in item number 34, relating to Illinois, by striking "Resurfacing" and all that follows through "Omaha" and inserting "Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County";

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking "and Huntington" and inserting "Franklin, and Huntingdon";

(3) in item number 61, relating to Lubbock, Texas, by striking "with Interstate 20" and inserting "with Interstate 10 through Interstate 20 and Interstate 27 north of Amarillo to the Texas/Oklahoma border";

(4) in item number 71, relating to Chautauqua County, New York, by inserting "and other improvements" after "expressway lanes";

(5) in item number 75, relating to Pennsylvania, by striking "Widen" and all that follows through "lanes" and inserting "Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania";

(6) in item number 93, relating to New Mexico, by striking "Raton-Clayton Rd., Clayton, New Mexico" and inserting "U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line"; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(B) by striking "to four-" and inserting "in Tarrant County, to freeway standards and in Parker County to a 4-".

SEC. 337. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043-2047) is amended—

(1) in item number (9), relating to New York, New York, by striking "Improvements" and all that follows through "NY" and inserting "Projects in New York City, New York (other than improvements to the Miller Highway)";

(2) in item number 13, relating to Joliet, Illinois, by striking "and construction and interchange at Houbolt Road and I-80";

(3) in item number 36, relating to Compton, California, by striking "For a grade" and all that follows through "Corridor" and inserting "For grade separations and other improvements in the city of Compton, California"; and

(4) in item number 52, relating to Chicago, Illinois, by striking "Right-of-way" and all that follows through "Connector)" and inserting "Reconstruct the Michigan Avenue viaduct".

SEC. 338. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048-2059) is amended—

(1) in item 19, relating to Water Street, Pennsylvania—

(A) by striking "Water Street,"; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(2) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking "Holidaysburg," the first place it appears; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(3) in item number 24, relating to Pennsylvania, by inserting after "line" the following: "and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania";

(4) in item number 29, relating to Blacksburg, Virginia, by inserting "methods of facilitating public and private participation in" after "demonstrate";

(5) in item number 35, relating to Alabama, by striking "to bypass" and all that follows through "I-85" and inserting "beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I-65 south of Montgomery and I-85 east of Montgomery";

(6) in item 49, relating to Suffolk County, New York, by inserting after "perimeters" the following: "and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Southold, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities";

(7) in item number 52, relating to Pennsylvania, by striking "2" and all that follows through "Pennsylvania" and inserting "or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I-81 or I-80 in northeastern Pennsylvania";

(8) in item number 61, relating to Mojave, California, by striking "Mojave" and inserting "Victorville" and by inserting "Mojave" after "reconstruct";

(9) in item number 68, relating to Portland/S. Portland, Maine—

(A) by striking "Portland/S. Portland,"; and

(B) by inserting after "Bridge" the following: "and improvements to the Carlton Bridge in Bath-Woolworth";

(10) in item number 76, relating to Tennessee, by inserting "Improved access to" before "I-81" and striking "Interchange" and inserting after "Tennessee" the following: "via improvements at I-181/Eastern Star Road and I-81/Kendrick Creek Road";

(11) in item number 100, relating to Arkansas, by striking "Thornton" and inserting "Little Rock";

(12) in item number 113, relating to Durham County, North Carolina, by inserting after "Route 147" the following: ", including the interchange at I-85";

(13) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking "Construct new multi-lane freeway" and inserting "Construct a 4-lane divided highway";

(14) in item number 193, relating to Corning, New York, by inserting "and other improvements" after "expressway lanes"; and

(15) in item 196, relating to Orlando, Florida—

(A) by striking "Orlando,"; and

(B) by striking "Land" and all that follows through "project" and inserting "One or more regionally significant, intercity ground transportation projects".

SEC. 339. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060-2063) is amended—

(1) in item number 12, relating to Buffalo, New York, by inserting after "Project" the

following: "and the Crossroads Arena Project"; and

(2) in item number 31, relating to Los Angeles, California, by striking "To improve ground access from Sepulveda Blvd. to Los Angeles, California" and inserting the following: "For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000".

SEC. 340. MISCELLANEOUS REVISIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) CALIFORNIA.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting the following: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

(b) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—

(A) RESCISSION.—Effective October 1, 1995, the unobligated balances on September 30, 1995, of funds made available for section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; relating to West Calcasieu Parish, Louisiana) are hereby rescinded.

(B) FUNDING.—Item number 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038), relating to Lake Charles, Louisiana, is amended by striking "4.1" and inserting "8.8".

(2) I-10 EXIT RAMP AND OTHER PROJECTS.—Section 149(a)(89) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191) is amended—

(A) by inserting "AND LAKE CHARLES" after "LAFAYETTE" in the paragraph heading; and

(B) by inserting before the period at the end "and, of amounts made available to carry out this paragraph, may use up to $456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, $1,000,000 to carry out a project to construct an exit ramp from the eastbound side of Interstate Route I-10 to Ryan Street in Lake Charles, Louisiana, and $269,661 under this paragraph for projects described in section 149(a)(90)".

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 191) is amended—

(A) by inserting "AND LAKE CHARLES" after "LAFAYETTE" in the paragraph heading; and

(B) by inserting "and a project to construct the Contraband Bridge portion of the Nelson Access Road Project" before the period at the end.

(c) PENNYSLVANIA.—Section 149(a)(74) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 192) is amended by inserting before the period at the end the following: "and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania".

(d) MARYLAND.—Section 149(a)(92) of such Act (101 Stat. 194) is amended—

(1) by striking "UNITED STATES ROUTE 48" and inserting "WASHINGTON AND FREDERICK COUNTIES"; and

(2) by inserting "and to construct an interchange between Interstate Route I-70 and Interstate Route I-270 in Frederick County, Maryland" after "Mountain Road".

(e) BUS TESTING FACILITY.—Section 5318 of title 49, United States Code, is amended—

(1) in subsection (b) by inserting "or cooperative agreement" after "contract" each place it appears; and

(2) by adding at the end the following:

"(f) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this section into cooperative agreements.".

SEC. 341. ELIGIBILITY.

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

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

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

(b) OTHER EXISTING PROJECTS.—

(1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike.

(2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through roadway and bridge travel lanes, shall be 90 percent of the cost of the project.

(3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95, including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(c) TYPE II NOISE BARRIERS.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to sections 109 (h) and (i) of title 23, United States Code if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

SEC. 342. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.

The Secretary shall enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-338) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331). Nothing in this section shall be construed to change the amount of the previous appropriation in such section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing such sections 336 and 339, the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

SEC. 343. MISCELLANEOUS STUDIES.

(a) PAN AMERICAN HIGHWAY.—

(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(2) ELEMENTS.—The study to be conducted under paragraph (1) shall include, at a minimum, the following elements:

(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(C) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(D) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(E) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(F) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—The Secretary shall conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. In conducting such study, the Secretary shall make a determination concerning whether to identify National Highway System route numbers.

(c) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) STUDY.—The Secretary shall conduct a study on compliance with the provisions of the Buy American Act (41 U.S.C. 10a-10c) with respect to contracts entered into using amounts made available from the Highway Trust Fund.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

SEC. 344. COLLECTION OF BRIDGE TOLLS.

Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 345. NATIONAL DRIVER REGISTER.

Section 30308(a) of title 49, United States Code, is amended by striking "and $2,550,000 for fiscal year 1995" and inserting "and $2,550,000 for each of fiscal years 1995 and 1996".

SEC. 346. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

SEC. 347. MOTORIST CALL BOXES.

(a) EFFECTIVE CONTROL.—Section 131(c) of title 23, United States Code, is amended—

(1) by striking "and (5)" and inserting the following: "(5) signs, displays, and devices identifying and announcing free motorist aid call boxes and advertising their sponsorship by corporations or other organizations, and (6)"; and

(2) by adding at the end the following new sentence: "The Secretary shall ensure that spacing of signs, displays, and devices announcing motorist aid call boxes is reasonable.".

(b) SPECIFIC SERVICE SIGNS.—Section 131(f) of title 23, United States Code, is amended by adding at the end the following: "For purposes of this subsection, the term 'specific information in the interest of the traveling public' includes identification, announcement, and sponsorship of motorist aid call boxes.".

SEC. 348. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

Sections 141(a) and 154 of title 23, United States Code, and the item relating to section 154 in the analysis to chapter 1 of such title are repealed.

SEC. 349. ELIMINATION OF PENALTY FOR NONCOMPLIANCE FOR MOTORCYCLE HELMETS.

Subsection (h) of section 153 of title 23, United States Code, is amended by striking "a law described in subsection (a)(1) and" each place it appears.

SEC. 350. SAFETY REST AREAS.

Section 120(c) of title 23, United States Code, is amended by inserting "safety rest areas," after "signalization,".

SEC. 351. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 50 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(4) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, then the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) 8 CONSECUTIVE DAYS.—The term "8 consecutive days" means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term "24-hour period" means any 24-consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term "ground water well drilling rig" means any vehicle, machine, tractor, trailer, semitrailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term "transportation of construction materials and equipment" means the transportation of construction materials, construction finished related products, construction personnel, and construction equipment by a driver within a 50 air mile radius of the normal work reporting location of the driver.

(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term "eligible unit of local government" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

SEC. 352. TRAFFIC CONTROL SIGNS.

Traffic control signs erected under the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B-4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 353. BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.

Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment, No. 27.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. RAHALL: Strike section 348.

The CHAIRMAN. Pursuant to the unanimous-consent agreement, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

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

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

Mr. Chairman, the bill before us contains a provision that would simply repeal the national speed limit. Plain and simple, it repeals the national speed limit.

Under this provision, then, the States could set no speed limit whatsoever. No speed limit whatsoever. Or they could establish a speed limit of 100 miles per hour or whatever.

Despite the fact that proponents of eliminating the national speed limit often couch their proposal in terms of this being a matter of States' rights, the bottom line, in my view, is that it is a matter of saving lives; and that, my colleagues, should take precedence over any of these idealistic assumptions over the role of State and Federal Governments. For let there be no doubt in anyone's mind, the effort to repeal the national speed limit represents nothing other than an attempt to increase speed limits.

Today, Mr. Chairman, 1,000 people are slaughtered each month on our Nation's highways in speed-related crashes, That is 12,000 deaths each year due to traveling at high speeds. This, I say to my colleagues, is under the existing 55 mile per hour national speed limit with 65 possible on rural interstate segments.

It should be obvious that the death toll will rise once the States begin increasing the maximum speed limit under the provision of this bill.

The enactment of the bill's repeal provision would, in effect, turn our Nation's highways into killing fields. It will turn our highways into killing fields.

I say to my colleagues, this is not a matter of State rights. It is a matter of human rights. The Federal Government paid 90 percent of the cost of constructing the Interstate System, and it still pays that amount to maintain it. There is, as such, a justifiable Federal role in ensuring the safety of those traveling on this system.

99-059 O—97 Vol. 141 (Pt. 18) 28

In addition, the interstates are just that, they are interstates. They are not intrastates. Cars traveling to the borders of States do not bounce around and go back and stay within that State. They travel across State lines.

We are talking about a Federal responsibility here. People traveling across State lines should not be subject to the dictates of any individual State.

So, again, I hardly see where a matter involving interstate transportation can be viewed as an intrusion of States rights; and I would urge that this type of rhetoric that we will hear during debate on this amendment be dismissed outright.

For these reasons, the amendment I am offering would strike the proposed repeal of the national speed limit; and it would maintain existing law.

I might add as well, Mr. Chairman, that Members have before them a letter from our Secretary, very fine Secretary of Transportation, Mr. Pena, stating the administration's opposition to removal of the national speed limit.

I say in addition to that fact we have in this Chamber today the administrator of our Federal Highway Administration, Mr. Rodney Slater, who has been very helpful to us in this legislation and will continue to be as we go on down the process. And he, as well, has expressed his very strong concerns about the removal of the national speed limit.

I would urge acceptance of this amendment, which returns to the law as we know it today, a law that has saved lives.

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

Mr. Chairman, I must oppose this amendment which would strike from H.R. 2274 the repeal of the national maximum speed limit and associated penalties.

We have already seen what happens when motorists believe that a particular speed limit is too low for the conditions of a road—they exceed the limit. How many Americans drive faster than 55 miles per hour? The recent increase to 65 miles per hour on some of our rural interstates simply made legal the status quo—we already were driving 65.

Let me be clear that if we remove the national maximum speed limit, we will not find ourselves with no speed limits on any roads as you might think from listening to some. The States will step in and take up this responsibility which is the way it should be. A one-size-fits-all approach has proven to be very frustrating from many States and motorists. What is an appropriate speed for the urban Northeast may not be appropriate for certain areas in Montana, or Texas, or other more desolate regions in the country.

I cannot understand why some seem to believe that only Washington is capable of setting speed limits. Do we really believe that States are not capable of doing this, that the States do not care just as much, if not more, for the safety and well-being of motorists in their States?

By repealing the national maximum speed limit, we will once again allow the States, based on their own intimate knowledge of particular road designs, conditions, location, and other relevant factors, to determine the appropriate speed limit for each of their roads.

I believe the States are capable of this, that they are concerned about the safety of their citizens and that they will act responsibly and in the best interests of motorists.

I urge the House to defeat this amendment.

□ 1400

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

I have noted the ranking minority member's opposition to this amendment, Mr. Chairman, but I know that we had this issue debated in full committee, and we had, as I am sure we do on the floor, the very strong support for this amendment and vehement opposition to lifting the speed limit from the chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], and I know he will make his position known before the day is over.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the ranking minority member.

Mr. MINETA. Mr. Chairman, I rise in strong support of the Rahall amendment. Quite simply, this amendment is a lifesaver. And, it is critical to controlling taxes and government spending.

My colleagues opposing this amendment will tell you that repealing the national speed limit does not actually raise a single speed limit. In fact, at least five States already have laws that immediately increase their speed limits, if we repeal the national limit. These very same States already have some of the highest rates of speed-related deaths in the country.

For example, Oklahoma's speed limit will increase to 70 miles per hour on interstates and 65 on secondary roads. Oklahoma already has the highest percentage of speed-related deaths in the country, 48 percent of all highway deaths, with current maximums in place. Imagine what the percentage will be with a 70-mile-per-hour limit. In California, my own home State, where legislators are already talking about speed limits up to 70 miles per hour, 40 percent of all highway deaths are speed-related.

Also, we can look at the situation before Congress enacted the national maximum speed limit. Only one State, New York, had a 55 mile per hour speed limit. Most States had limits of 70 miles per hour or greater. Two States, Montana and Nevada, had no limit whatsoever. And, we had over 54,000 highway deaths.

When the national limit took effect, highway deaths dropped by over 9,000, the very first year, 16 percent compared to a 2 percent drop in vehicle miles traveled.

My colleagues will argue that cars are safer today and therefore, higher speeds are safer than they used to be. That may be true, but no car has yet been built that will fully protect the occupants. Higher speeds increase the likelihood of a crash. Stopping distances are longer, and impact speeds are greater. When speed limits increased on some rural interstates after the 1987 change, hundreds more fatalities occurred, causing nearly $1 billion in additional costs.

Moreover, as speed increases, the impact force increases exponentially, increasing the likelihood of serious injury. This relationship holds no matter what safety equipment is on the car. It is a fundamental law of physics that this Congress cannot repeal. The National Highway Traffic Safety Administration estimates that raising the speed limit just to 65 miles per hour on all roads will lead to more than 6,400 additional deaths and nearly $20 billion higher total costs, every year. That is with the safety equipment on today's cars. This bill will result in far more deaths and far greater costs, because it would allow speed limits of far more than 65 miles per hour.

My colleagues opposing this amendment will argue that this issue is not about death and injury. They say that States and local governments can understand the body counts, just as well as Federal elected officials. They present this as simply a states' rights issue.

But the truth is that the results of repealing all Federal speed limits are not confined within the boundaries of the States that raise their speed limits. These results are not confined to the individuals who drive higher speeds. We all pay. The current number of speed-related crashes already costs $24 billion every year. We pay through higher taxes to fund Medicare and Medicaid for those who need long-term care due to severe injuries. We pay through higher prices for goods and services, because employers pay for sick leave for their employees and lost productivity.

Our actions are not self-contained. We are members of communities, in which individual actions impose costs and burdens on others. This amendment will impose substantial new burdens on taxpayers—its that simple. When one State raises its speed limits, taxpayers in all States will pay the costs.

The original purpose of today's bill is to designate the National Highway System, roads of national significance. No one is questioning this concept,

roads of national significance. No one here is arguing that the Federal Government should stop funding highway programs.

To then argue that there is no national interest in the safety of these very same roads makes no sense. Therefore, I must strongly urge my colleagues to support the Rahall amendment.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Chairman, this is one of the most important amendments we are going to consider on this National Highway System legislation. In this amendment we are dealing with the lives, livelihoods, and family life of drivers on America's highways. Those who are involved in accidents such as the driver of the car that caused the accident or the driver or passenger in another vehicle that was struck by the errant driver suffer long-term consequences, loss of mobility, loss of income, high cost of hospitalization, and, of course the ultimate tragedy, loss of life.

Several years ago when we first considered in this Chamber during my service in the Congress legislation to extend the drive 55 highway speed limit, I happened to be out in the southern part of my district meeting with Minnesota Highway Patrol officers. One of them had just come back from a tragic accident, a high speed accident on the highway. I said: "the day after tomorrow we are going to consider the matter of limiting speed on America's highways and keepin the drive 55 limit in place."

This officer looked me square in the eye with the burden of that tragedy still in his mind and blood on his uniform, and he said,

> It is at speeds of 75 and 80 and 85 when we see the torn aortas, and you cannot put them back together again, when the victim is lying there bleeding uncontrollably in a tangled mass of steel and you cannot cut him out soon enough to save the life. And if you allow at the national level the States to raise the speed limits, they will, and we will, out on the highway, be seeing more deaths and more tragedies and more broken families and more broken lives.

Our former chairman, the late Jim Howard, in the debate in committee and on the House floor, said there are few occasions in your career in public service when you have an opportunity to save 5,000 lives a year. This is one of those opportunities. We can save a minimum of 5,000 lives by keeping the highway speed limit in place.

I know that the thrust and the drive in this 104th Congress is to give States more responsibility, turn these authorities over to them, and that Congress should not set national standards, limits, requirements. But we, too, are responsible at the national level for what happens on America's highways. We, too, pass legislation. We impose the fuel tax, we set the conditions under which our National Highway System is constructed and operated, and we have a responsibility to the same people in our respective States that our Governors and State legislators have.

My vote in this Chamber is not relevant just to Minnesota; it is relevant to the whole country, as is the vote of every other Member in this Chamber. I have a responsibility to safety on the highways in every State, not just in Minnesota. At the dawn of the interstate era, when the Congress was considering establishing the national system of interstate and defense highways, the death toll on America's highways was going up at such a rate that it was estimated, if we did not build such a system of safe highways, in 15 years we would be killing 108,000 people a year on the Nation's highways. That was in 1956. The death toll went up to as high as 57,000 on the Nation's highways, until the energy crisis caused us, for reasons of energy conservation, to lower the speed limit to 55. Then we found the hidden benefit, that lowering the speed limit, as everybody knew and suspected but did not have the public courage to act upon, would save lives. And it did. Dramatically, the speed limit caused a lowering of the death rate.

As chair of the Subcommittee on Oversight and Investigations, I held hearings on highway safety, on roadside hazards that are built into the highway system that cause deaths when a person loses control of a car. We have made a great deal of progress in removing roadside hazards, in building safer highways, hazards that may occur when a person falls asleep at the wheel, or is otherwise distracted, caught in a snowstorm or rainstorm, and leaves the traveled roadway, that may cause injury or death. Instead of being impaled on a light pole, we have breakaway light poles. Instead of crashing into a metal barrier that decapitates the driver of the car, we now have the New Jersey barrier that guides the vehicle back on to the roadway.

We have about reached the limit of what we can do in building safer highways, safer bridges, educating the driving public to drive more safely. There are just some things that must be imposed upon people, and a speed limit is one of them.

Now, I have heard the discussion earlier today that well, you know, at 55, people are passing you, they are going 65, and all the 65 speed limit did was to ratify what people were doing on the highways. If you set it at 65, the highway patrol officers will tell you, people will drive another 10 miles an hour faster on the roadways.

□ 1415

Just a couple of weeks ago, before we began this debate, I met with highway patrol officers in Minnesota. They told me the same thing as others did 15 years ago: "If you raise the speed limit, people will again drive 10 or more miles per hour above it." Keeping the speed limit in place is a brake upon people's drive, ambition to go ever faster and risk their lives and those of other innocent people on America's roadways.

In the name of States rights, in the name of human rights, in the name of family rights, keep the speed limit in place.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today in opposition to the Rahall amendment. There are many statistics that we can look at. They tell us that approximately 30 percent of the fatalities are committed by those who are speeding. We will also be told that approximately 70 percent of the drivers on the road are speeding. If we use those numbers, it would mean the 30 percent who are not speeding are involved in 70 percent of the fatalities. We can use all kinds of numbers for all kinds of things.

The national speed limit was put in place in 1973 to conserve fuel. It had nothing to do with safety. Cars have been upgraded significantly since then, highways have been upgraded significantly since then. So I submit that the national speed limit is not something that is important today. What is important is States rights. What is important is that the States have the right to make the selection of the speeds appropriate to them.

There is not a lot of commonality between the roads in New York and Texas, or New Jersey and Oklahoma. There is quite a lot of difference in density, in topography, and the quality of the roads themselves. That is quite different.

However, we are not raising the speed limit today. There is nothing in this bill that raises the speed limit. What we are saying is we are giving the States the opportunity to determine for themselves what is in their best interests in their States. I happen to believe that those in the Oklahoma Legislature or the Texas Legislature or the Nevada Legislature, and their State department of transportation, have a better understanding of their roads than some bureaucrat in Washington.

Those of us who vote for the Rahall amendment today, who vote to keep a national speed limit, are saying that our State legislatures, our State departments of transportation, do not have the sense or the ability to determine what is in their best interests. I

happen to believe they do have. I believe that they have every bit of interest in safety that we have, and I believe that they can do it.

I urge Members to oppose the Rahall amendment.

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

In response to my dear friend and fine colleague, the gentleman from Oklahoma, this particular Member does not mean to cast any aspersions on our State legislatures whatsoever. I did not have the honor of serving in such a body, but I know that they have the best interests of their States at heart, that they serve with a maximum amount of ability and talent to make the right decisions.

However, what we are doing here today, if we remove a national speed limit, is allowing in some States, without any decision of their State legislators, for that speed limit in that State to automatically increase, or not even exist, not even have a speed limit. So, in effect, without any decision of the State legislature or reconvening of that State legislature, we have no speed limit then in those States. Montana and Nevada, for example, had no speed limit prior to enactment of the national 55 miles per hour speed limit.

Granted, the original purpose for the enactment of this speed limit was the oil embargo in the mid-1970's, the desire to conserve fuel. That turned out to be an empty threat. Today, we are importing more oil than we were at that time, yet we have no threat of an oil embargo. And even if we were, I submit, it would be another empty threat.

If that is what it takes to save American lives, then I say let all of these empty oil threats come from whatever country wants to issue them against the United States. If that causes the U.S. Congress to save American lives, I submit that we ought to maintain this 55 miles per hour speed limit.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I thank the gentleman from West Virginia for yielding me this time.

Mr. Chairman, I support the amendment offered by the gentleman from West Virginia which will save lives and prevent thousands of needless deaths on our Nation's highways.

The issue before us is not whether speed limits save lives—there is no question that they do. We have 20 years of evidence to show that—from speed limit laws that were passed to save energy, not to save lives.

The issue is whether we are willing to take the actions that will save lives—thousands of lives.

According to the National Academy of Sciences, the national speed limit law saves 2,000 to 4,000 lives each year.

Is saving 5 or 10 minutes on a trip worth an extra 2,000 to 4,000 lives every year along with countless injuries?

How many lives and injuries is it worth to save those extra few minutes on the road?

Based on the National Academy of Sciences study, the national maximum speed limit law has saved 40,000 to 80,000 lives in the past two decades.

Eighty thousand people is a lot of people—it is almost like wiping out the entire population of our State capital of Harrisburg.

There are very few other areas where we can look at laws and say they have direct impact on whether people live or die—but the national speed limit is one of them.

If we decide to eliminate the speed limit laws, we will be choosing death for thousands of our citizens every year.

When speeds increase, people have less control of their cars and crashes are more damaging.

There is a much greater chance of an accident resulting in death or serious injury at 65 than at 55. There is an even greater chance of death or serious injury at 75.

There should be no question that speeds will increase if the speed limit is increased. There are people who will always drive at 10 miles per hour more than the speed limit, no matter what the limit is.

There are also people who won't increase their speeds—increasing the differences in the rates of speed on the road and leading to even more accidents.

Mr. Chairman, the speed limit was not intended to be a safety measure but, through a combination of circumstances we stumbled on a measure that has been extremely effective in saving lives.

It would be a tragic mistake to repeal that life-saving measure now and set in motion a process that could result in thousands more Americans dying every year.

I urge support of the amendment by the gentleman from West Virginia.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Madison, WI [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I thank my colleague, the gentleman from Wisconsin, for yielding time to me.

Mr. Chairman, last Saturday I took my 6-year-old to a soccer game at Madison, pulled off the road on which we live to get onto the Beltway that surrounds the city of Madison, and was struck by three facts. First of all, the speed limits on the highway I had just driven onto were set by the Federal Government. If I was speeding on that highway, it would be the State of Wisconsin who would pull me over, and if I had to go to court to fight a ticket I would end up in a State of Wisconsin court. But here it is, the Federal Government telling the State of Wisconsin what the speed limit has to be outside of Madison, WI.

If Brett and I had been on a motorcycle instead of a car, we would have soon discovered that in the next couple of months, the State of Wisconsin would have had to pass a law to throw out a motorcycle education program we have had in place and put it with a motorcycle helmet law about to come down from the Federal Government; except if we prevail today, we will stop that, too.

Wisconsin used to have a motorcycle helmet law in place. We took it away and repealed it with an education program, and we now have fewer serious accidents, fewer serious accidents, and we have fewer fatalities than States that have helmet laws in place. However, here is Washington, telling us the speed limit and discussing helmet laws.

As I drove onto that highway, there was a sign that said how far it was from Madison to Milwaukee. It is about 72 miles. But there was a mandate from the Federal Government last year that said every county had to replace those mile signs with metric measurements. This is 500 yards down the road, and the Federal Government is telling me everything I can do along the way.

I think the provisions in this bill which repeal the speed limit and which repeal the mandates from Washington on the helmet laws are absolutely right on target. In fact, from my mind, it does not go quite far enough. I have 40,000 students at the University of Wisconsin in Madison. We, the Federal Government, tell the State what the drinking age has to be. I think you do to a 19-year-old who drinks and drives, what you do to a 39-year-old who drinks and drives, you take their license away. If it is necessary, you prosecute them and put them in jail. So we have done the right thing, we have gone two-thirds of the way, and we should go one step a little bit farther, and also give States the discretion to make decisions about drinking ages as well.

I just walked over from a Committee on Commerce hearing where we are about to give the States the authority to run Medicaid programs. I think that is absolutely appropriate. It should be a State decision. The Senate moved yesterday to turn many of the decisions involved in welfare reform over to the States.

If we are smart enough to run Medicaid, which is the biggest item in a State budget, and if the State governments are smart enough to run welfare reform, I think somehow the State capitol in Madison and capitols across this country have the judgment to make their own decision about speed limits in their own States.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman, from Texas, Mr. PETE GEREN.

Mr. PETE GEREN of Texas. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment. The question I have is what makes anyone think that someone in Washington, DC, knows better as to how fast you should drive between Fort Worth, TX, and Abilene, TX, than does the State senator or State representative from Abilene? The only two reasons that would justify such a conclusion is that the person in Washington, DC, knows more about that stretch of road than does that State representative, or perhaps that the person in Washington cares more about the lives of Texans than does that State representative from Texas.

Mr. Chairman, I contend that neither is true. I know Texans know Texas roads better than does any resident of Washington, DC. I know Texans care as much about the health and safety of their fellow Texans as does anyone in Washington, DC. After all, when they cast a vote in Austin, TX, they are voting for the safety of their own children and their friends' children. It is not some bureaucrat in Washington, DC, making a decision about strangers 2,000 miles away.

With all due respect to those who support this amendment, roads in the hills of West Virginia or New York or Pennsylvania do not look like roads in west Texas. Those from the Northeast do not know what flat is, I can assure you. If it is safe to drive 55 anywhere in West Virginia, I can assure the Members, it is equally safe to drive faster than that in west Texas.

Mr. Chairman, let the experts make this decision, the experts in Texas, the experts in West Virginia, the experts in California, the experts in Montana, the experts in Minnesota. This is a very diverse country. Let us look to the wisdom of the people who live on those roads, who drive those roads, to make those decisions. Washington does not know best. The people in Texas know better than does the Federal Government about our roads, and I can assure you they care just as much as any employee in the Federal Government who has been in power to make this decision.

Mr. Chairman, I urge the defeat of the Rahall amendment.

Mr. PETRI. Mr. Chairman, I yield 3 minutes and 30 seconds to my colleague, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I want to compliment the gentleman from Wisconsin [Mr. PETRI] for the great job he is doing on his subcommittee. I think it is about time that we had that kind of common sense restored to Government.

I also want to tip my hat to the gentleman from California [Mr. MINETA] who is leaving the Congress, for the great job he is doing, and the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Minnesota [Mr. OBERSTAR] and the entire committee.

Mr. Chairman, I strongly support the bill before us today, not this particular amendment, but certainly the bill. Most important, of course, this bill designates our National Highway System. This includes roads in northeast Wisconsin, like Highway Nos. 29, 41, and 441. These roads are the lifeline that connect us to the world, that move our goods and bring our tourists and support our businesses. However, it also restores nearly $1 billion in transportation money to the States.

My own State of Wisconsin, for example, will have nearly $200 million restored to the Wisconsin transportation budget, another $80 million in additional highway funds for Wisconsin will be released by the passage of this bill, and it gives the States new flexibility in how they use their highway funds. For that, we thank the good common sense and the great intelligence of the gentleman from Wisconsin [Mr. PETRI]. We need this money, and we need this flexibility.

Finally, this bill will eliminate the heavy burdens the Federal Government has imposed on the States over the years. It is time the Government, including the bureaucrats who are determined to run our lives, listen to the American people. Let us face it, it is simply a waste of time and money to require the States to convert their highway signs to the metric system. The Government has been trying to force the metric system down the throats of the American people since the Carter administration. It is time to wake up. The American people do not want it. Whenever I go back home, whenever you go back home to your town hall meetings, this issue comes up. Now we have a chance to address the wishes of the American people. That is why I am so much in favor of this legislation.

Furthermore, while I certainly believe that we must do all we can to promote safety, it is wrong for the Federal Government to hold the States hostage. It is time to remove Federal mandates that punish States that do not pass the kind of laws Big Brother Washington thinks that we should have. That is why I urge Members to support this bill, and oppose the amendments that would limit the authority of the States to make commonsense decisions for themselves.

□ 1430

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentleman for yielding me the time.

Mr. Chairman, our earlier speaker, the gentleman from Wisconsin, said he was struck by three facts. Pulling off the road thinking about highways in Wisconsin, he was just lucky not to be struck by three cars going at a high speed. He would have wound up in a hospital.

My good friend from Texas said we do not want speed limits set by some bureaucrat in Washington. I appeal to the gentleman, I am not some bureaucrat in Washington. I am not some bureaucrat in Washington. I protest. And I do not propose to speak for the people of Texas or to say that I know better about their road segments than they do.

But Interstate 35 either starts in Duluth or ends in Laredo, TX, or vice versa, and goes right through the gentleman's district. People in my State and district have a right to be protected against excessive speed on Federal aid highways in other States. We have something to say about how people drive on those roads. Make no mistake about it; this issue is not about whether we are going to drive faster or slower or whether States should have responsibility. This issue is about giving the States the right to increase speed limits. Opponents of national speed limits do not want these speed limits removed so people can drive slower.

States want, and people in States around the country, some people, not all of them, for goodness sakes not all of them, want to drive faster. It is a fact of life that we drive faster. We kill people.

We have just this summer been celebrating the end of World War II; 440,000-plus Americans were killed in action. Every decade we kill more people on America's highways than we did in World War II. That ought to stick with us. There is a war on America's highways and we have an opportunity to put a limit on it and say we shall not drive faster than this. Why can we not do that? We must do it.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me state my very strong support for this amendment, obviously, but also the support of some 52 organizations that have written this body opposing the repeal of the national maximum speed limit. Among this very diverse group are the Advocates for Highway and Auto Safety, Alliance of American Insurers, American College of Emergency Physicians, American Insurance Association, American Nurses Association, American Red Cross, Consumer Federation of America, the Heads Up Injury Prevention Program, numerous insurance companies, Mothers Against Drunk Driving, Public Citizen, State Farm Insurance Companies, among many others, have written us in strong support of maintaining the 55-mile-per-hour speed limit.

In addition, we have a letter written to the ranking minority member of our committee from the American Trucking Associations' Mr. Tom Donahue, its

president and CEO, maintaining their support, the American Trucking Associations' support for supporting the 55-mile-per-hour speed limit. Not only is it fuel conservation and less wear and tear on their equipment, but the most important reason the ATA states in their letter for supporting the 55-mile-per-hour national speed limit is that they are convinced it saves lives. This is from the ATA.

In conclusion, Mr. Chairman, I do urge support of this amendment. I may have been born at night, but I was not born last night; and I recognize where the votes lie on this issue. I say to those Members that are concerned about State flexibility, as we have heard during this debate, that, if you find in your heart and in your conscience your inability to support this particular amendment, I do have a followup amendment which will set a 65-mile-per-hour speed limit cap and allow all the State flexibility in the world under that cap as a followup compromise measure. I would certainly expect those concerned about States rights to support that particular amendment.

With that, I do urge adoption of this particular amendment in the name of saving lives.

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong opposition to the Rahall amendment and in support of the national speed limit repeal as contained in the National Highway System bill.

For too long, Mr. Chairman, the Federal Government has maintained its heavy hand over our States in setting the Nation's speed limit and I can tell you as a westerner, with vast amounts of territory to drive through, the 55-mile-per-hour speed limit has always been viewed as ludicrous and mostly ignored. There is no question that in the early 1970's, during the Arab oil embargo, we all had to pull together and work to conserve our energy resources. The national speed limit was invoked as a temporary measure for the duration of that crisis.

Unfortunately, in Washington's typical way, someone got the idea that it would be best to take the one-size fits all approach and make 55 the law of the land. I can tell you that since that time, Nevadans have been adamantly opposed to a national speed limit and I have worked to give the responsibility of setting speed limits back to the States, where it belongs.

In 1987, I was proud to be a part of the effort that brought a little more common sense into this process by working to enact legislation that allowed the speed limit to be raised on our rural interstate highways to 65 miles per hour. It was a step in the right direction, but we need to take that final step and just plain get the Government out of this business. As with so many other issues best handled at the State level, it is Nevadans who know best what roads should be traveled at 35, or those that might be traveled at 65. Let's finish the job today!

The right of the State to handle such matters is fundamental, and I strongly endorse the actions taken by the committee to eliminate the national speed limit. I urge my colleagues to vote against the Rahall amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of Congressman RAHALL's amendment to retain our current speed limits. According to the National Academy of Sciences, the national speed limit law saves 2,000 to 4,000 lives each year.

Repeal of the national maximum speed limit is part of a larger effort by the majority to roll back the power and reach of the Federal Government in matters where States rights and individual choice are at issue. However, I don't believe the American people want their lawmakers to decrease public safety in the name of regulatory reform or under the banner of States rights. That is too high a price to pay.

Repeal of the national speed limit law endangers the safety of all Americans. Some State officials have already indicated their intent to immediately move to repeal safety laws if the Federal programs are eliminated. In several States, speed limits automatically go above 65 mph if the national maximum speed limit is repealed. If the national speed limit is repealed and we return to pre-1974 conditions, the Federal Transportation Department estimates we will be faced with an additional 4,750 highway deaths each year, at a cost of $15 billion.

Who pays the price, if the speed limit is repealed?

Taxpayers ultimately bear the cost for emergency medical and police response, medical treatment, days or years of lost productivity, disability compensation for the motor vehicle crashes that will result from higher speed limits.

We know that speed is a factor in nearly one-third of all traffic fatalities and that motor vehicle crashes already cost society more than $137 billion every year. The health care portion is approximately $14 billion—of which Medicare and Medicaid pay $3.7 billion or almost 30 percent.

I strongly believe that a Federal role encouraging safety is very necessary. If you share my concerns and want to save lives as well as taxpayer dollars, vote for the Rahall amendment.

Mr. ROBERTS. Mr. Chairman, I rise today in opposition to the Rahall amendment that would kill the effort to repeal the national speed limit.

I oppose this amendment on two fronts. First, reasons for the original speed limit are no longer valid. In 1973, because of the OPEC oil embargo, the Federal Government mandated that States lower speed limits to conserve oil. This original directive was in the interest of national security. The oil crisis has eased, automobiles are safer, and get far better mileage. In short, there is little reason to keep the mandate in place.

Second, and more importantly, the 55 m.p.h. speed limit is disregarded by an average of 7 out of 10 drivers. It is a law that breeds contempt of the law and the men and women who must enforce the unenforceable. Highway patrolmen are a limited resource. If more officers are required to enforce speed limits, fewer can be assigned to other safety activities, such as removing drunk drivers or stopping drug trafficking. Numerous studies have shown that raising the speed limit to 65 m.p.h. does not increase the overall speed on interstates.

The truth remains this—repeal is not a move by the Federal Government to raise speed limits, it simply gives States, which are in the best position to set speeds, the power to do so. Furthermore, interstates and Federal roads were built with taxpayers' money. This Congress should have gotten the message last November. The Federal Government doesn't have any money—it takes it from our citizens in the form of taxes.

I urge colleagues to oppose the Rahall amendment and support speed limit repeal.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

Mr. PETRI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTES

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 676]

AYES—112

Abercrombie	Hall (OH)	Murtha
Becerra	Hastings (FL)	Nadler
Beilenson	Hilliard	Oberstar
Boehlert	Hinchey	Olver
Bonior	Hoyer	Owens
Borski	Jackson-Lee	Pallone
Brown (CA)	Jacobs	Pastor
Brown (FL)	Johnston	Payne (NJ)
Brown (OH)	Kennedy (RI)	Pelosi
Cardin	Kennelly	Rahall
Clay	Kildee	Rangel
Clayton	LaFalce	Reed
Clinger	Lantos	Roybal-Allard
Clyburn	LaTourette	Rush
Collins (IL)	Levin	Sabo
Conyers	Lewis (GA)	Scott
Coyne	Lipinski	Serrano
DeLauro	Lofgren	Shuster
Dellums	Lowey	Slaughter
Dicks	Maloney	Spratt
Dingell	Manton	Stark
Dixon	Markey	Stokes
Durbin	Martinez	Studds
Ehlers	Matsui	Thompson
Engel	McDermott	Torres
Eshoo	McHale	Traficant
Evans	McKinney	Velazquez
Farr	McNulty	Vento
Fields (LA)	Meek	Visclosky
Foglietta	Menendez	Waters
Ford	Mfume	Waxman
Fowler	Miller (CA)	Wise
Gejdenson	Mineta	Wolf
Gephardt	Mink	Woolsey
Gibbons	Molinari	Wynn
Gilchrest	Montgomery	Yates
Gilman	Moran	
Gutierrez	Morella	

NOES—313

Ackerman	Baldacci	Bentsen
Allard	Ballenger	Bereuter
Andrews	Barcia	Berman
Archer	Barr	Bevill
Armey	Barrett (WI)	Bilbray
Bachus	Bartlett	Bilirakis
Baesler	Barton	Bishop
Baker (CA)	Bass	Bliley
Baker (LA)	Bateman	Blute

Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinohan
Moorhead
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Barrett (NE)
Fattah
Kennedy (MA)
Moakley
Parker
Reynolds
Roukema
Sisisky
Tucker

□ 1456

Mr. DEFAZIO and Miss COLLINS of Michigan changed their vote from "aye" to "no."

Mr. MCDERMOTT, Mr. PAYNE of New Jersey, and Mrs. KENNELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. EWING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Wisconsin [Mr. PETRI], chairman of the Subcommittee on Surface Transportation.

Mr. Chairman, as the gentleman from Wisconsin [Mr. PETRI] is aware, I have been concerned that Illinois' ability to cap, by law, the amount available to cover salaries of engineering and design consultants could be vitiated by sections 308 and 321 of this legislation.

Mr. Chairman, I would like to ask the gentleman, our Subcommittee on Surface Transportation chairman, if it is the gentleman's intent that under the State options clause designated in section 308(e)(3) and section 321(a)(e) of H.R. 2274, State legislatures will have the authority to set, by law, direct and indirect salary caps for employees, principals, or subcontractors of engineering and design firms.

Mr. PETRI. Mr. Chairman, if the gentleman from Illinois will yield, the gentleman is correct. Under those two sections of H.R. 2274, State legislatures may set such salary caps within the 2-year timeframe designated for exercising this option.

Mr. EWING. Mr. Chairman, reclaiming my time, it is my understanding that this 2-year timeframe for the States to exercise their authority under the States option clause in H.R. 2274 is different from the timeframe designated in the Senate bill. Will the gentleman from Wisconsin and the House conferees insist on the 2-year timeframe contained in the House bill?

Mr. PETRI. Mr. Chairman, if the gentleman will again yield, it is my intent to support the 2-year timeframe contained in H.R. 2274.

Mr. EWING. Mr. Chairman, reclaiming my time, I want to thank the gentleman from Wisconsin for this clarification, and I would be pleased to work with the gentleman on this matter in conference.

□ 1500

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with my good friend and distinguished leader, who has done a great job on this legislation, the gentleman from Pennsylvania [Mr. SHUSTER].

I would like to ask the chairman for a clarification of the intent of section 325 of this bill, relating to the Federal ban on new billboards on scenic byways. My concern is over the effect of this section on roadways previously designated by States as scenic byways and which pass through industrial or commercial areas.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this section the gentleman refers to reaffirms the ability of States to establish standards stricter than those in Federal law. A basic feature of the Highway Beautification Act is to permit States to allow billboards to remain in industrial and commercial areas, if States so choose. The decision rests with the State. Section 325 is intended simply to correct an erroneous FHWA interpretation of section 1047 of ISTEA and return that decision to the State.

Mr. WELDON of Pennsylvania. So if a State wants to designate a scenic byway and ban billboards even along those sections of the roadway passing through commercial or industrial areas, section 325 would not limit the State's ability to do that? Is that correct?

Mr. SHUSTER. That is absolutely correct. States would have the discretion as to whether or not to ban billboards in commercial and industrial areas.

Mr. WELDON of Pennsylvania. Where a State has previously designated a roadway as a scenic byway and has already exercised its discretion to ban billboards in commercial and industrial areas, as Pennsylvania has done in the case of the Blue Route, enactment of section 325 would not in any way disturb or invalidate the State's decision and no further action would be required by the State to maintain that ban?

Mr. SHUSTER. That is absolutely correct. Again, it is very important to emphasize that States have complete authority to enact stricter prohibitions on billboards than those in Federal law. The purpose of the technical amendment in section 325 is to ensure that the designation of a scenic byway does not, by itself, change billboard regulation in commercial and industrial areas. But a State may ban new billboards anywhere in the State if it chooses and section 325 in fact reaffirms the State's authority to do so.

Mr. WELDON of Pennsylvania. I thank the chairman for that clarification, for his interest, and I also want to acknowledge the work of our State senate majority leader, Joe Loper, the speaker of the State house, Nat Ryan, whose district this road goes through,

as well as our colleagues from Montgomery County, the gentleman from Pennsylvania [Mr. FOX], and from Delaware County and Philadelphia, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. LARGENT. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy with the gentleman from Pennsylvania about an issue that is extremely important to my State of Oklahoma—the funding levels which donor States receive under the Intermodal Surface Transportation Efficiency Act of 1991.

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

Mr. LARGENT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman. I can assure the gentleman that I am committed to carefully examining the concerns of donor States as we head toward reauthorization of ISTEA. I expect the Subcommittee on Surface Transportation to conduct comprehensive hearings in the next months, including formula distributions.

I would like to emphasize to the gentleman that this NHS bill contains critical changes to the Minimum Allocation Program which will preserve its funding levels in the baseline beyond fiscal year 1997. Unless these changes are adopted, then the funds which have been used to equalize funding between the States will be lost forever.

Mr. LARGENT. Mr. Chairman, I appreciate your consideration of the concerns of donor States such as Oklahoma. I look forward to working with you and Surface Transportation Subcommittee Chairman PETRI.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment, amendment No. 26.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. RAHALL: Strike section 348 and insert in lieu thereof the following:

SEC. 348. NATIONAL MAXIMUM SPEED LIMIT.

Section 154(a) of title 23, United States Code, is amended—

(1) by striking "fifty-five miles" the first place it appears and all that follows through "or (4)" and inserting "65 miles per hour, or (2)"; and

(2) by striking "Clause (4)" and inserting "Clause (2)".

Conform the table of contents of the bill accordingly.

The CHAIRMAN. Under the previous unanimous-consent agreement, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 10 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 10 minutes.

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

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

Mr. Chairman, this follow-up amendment is the perfect compromise on this issue. I, of course, was in strong support of the original 55-miles-per-hour speed limit. This amendment seeks to address the concerns often stated on the last amendment and by many other Members about the issue, in their minds anyway, of States rights.

This amendment simply establishes a maximum speed limit of 65 miles per hour. Under current law, as we all know, the Federal speed limit is set at 55 miles per hour for urban sections of interstate highways, and at the option of the State, 65 miles per hour for rural segments of the interstates. For all other highways and roads, the Federal speed limit remains at 55.

Mr. Chairman, the amendment adopted by the Committee on Transportation and Infrastructure, on the other hand, would completely abolish the Federal speed limit.

Under this approach, a State could opt to set speed limits at any level, or for that matter, set no speed limit whatsoever.

In this regard, I would note that prior to the establishment of the Federal speed limit, two States did not have any speed limits whatsoever. This type of situation would once again arise and be allowable under the committee bill as it stands.

Now, we have heard a lot of discussion about State rights and the need for greater flexibility in setting speed limits. We also know, from statistical data, that speed kills. There should be no doubt about that. Speed kills.

In addition there are economic costs. The economic costs of speed-related deaths in this country are $24 billion each year. Mr. Chairman, that is $44,000 a minute, in the costs of speed-related crashes each year.

Even the opponents of the last amendment and supporters of repealing any type of speed limit have not suggested that there not be speed limits whatsoever, and as such, my amendment, I think, represents a perfect dovetailing of the opposition concerns that have thus far been expressed. It recognizes that there may be a need for additional flexibility in establishing maximum speed limits, and it recognizes there should be some type of limitation on this flexibility in the interests of safety.

In my amendment, the maximum speed limit that could be established by a State would be 65. Let me be clear: A State would not have to accept that speed limit; it would simply have the option to establish speed limits for any type of highway or road up to the maximum of 65.

I not only view this amendment as being a fair and reasonable compromise on the issue of speed limits, but one that, in fact, addresses the concerns of both the supporters of the repeal of the national speed limit and the opponents of that approach.

I urge adoption of my amendment.

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

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

Mr. Chairman, I must oppose this amendment offered by Mr. RAHALL. This House has voted to turn back to the States the responsibility for setting speed limits—including maximum speed limits. I do not believe we here in Washington should prejudge what is the appropriate speed in every area of the country. I have long heard the frustration of my colleagues from Texas, Oklahoma, Montana, and other areas where distances between destinations are very far and drivers on the roads are few.

While my own State of Wisconsin, perhaps, may not see a reason to increase speeds beyond 65, other States may make the determination that it is the proper action to take. In any event, what we are saying today is—it is up to the States.

So while I appreciate the sincere interest of my colleague on the Surface Transportation Subcommittee, I must urge the House to defeat this amendment.

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

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the ranking minority member.

Mr. MINETA. Mr. Chairman, I rise in support of the Rahall amendment.

I have made very clear my position on the national maximum speed limit. It should remain as it is today: 65 miles per hour on rural interstates and interstate equivalents, and 55 miles per hour on other, more congested and narrower, roads.

However, the bill before us repeals all Federal speed limits, allowing States to set the limit at 65, or 75, or 85, or even no limit at all. Before Congress enacted the national speed limit, 39 States had limits of 70 miles per hour or higher, and two had no limit at all. This bill now tells States that it is okay with us if a State says, "Drive whatever speed you want, the sky's the limit!"

If this were a States rights issue, I would agree with my colleagues who oppose this amendment. But we cannot escape the fact that the impacts of raising the speed limits spill over into other States and into the pocketbooks of taxpayers across this country.

The amendment offered by the gentleman from West Virginia is certainly not my position on speed limits, but at least it would reflect the national interest and put some upper bound on what the speed limit could be.

That's certainly not enough, but it is a vast improvement over where we

would otherwise be. The number of deaths, the number of serious injuries, and the burden on taxpayers will not go up as much as they would under the sky's-the-limit provision now in the bill.

On that basis, I urge support for the amendment.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Again, opposition to a national speed limit is being couched in terms of let the States decide. The unspelled-out argument is let the States go as high as they want.

This is not a move to contain speed on America's highways. It is a move to allow the speed to rise, in some cases, to no limit. That is outrageous. This is a national highway system. The people that I represent in northern Minnesota have a right to be protected on highways they drive in other States, and when they drive on the highways of some other State, that they have a right to know that there is a reasonable limit on speed, that their life is not going to be endangered as they drive on America's highways in other parts of this country than the part that they come from.

We have a responsibility, as national legislators, to act. We have it within our reach today to put a limit on speed. That limit should be 55.

The House has spoken. It says, "No, let people drive as fast as they want." Make no mistake, that is not a States' rights vote, the last vote cast. That was a move to raise speed limits all over America.

People want to drive furiously at the risk of their own and other people's lives. They should not be allowed to do so. Those who drive with reckless abandon should know that there are limits and that they will be penalized and that this is a national will and we ought to find the national will in this Chamber to do so and stand up and speak.

We all know speed kills. We all know what the dangers are. We all know what the costs are. We ought not to shrink from our responsibility and say leave it up to the States, because, you know the pressures there are going to be on a smaller legislative body, that can be cross-cut and cut many different ways and which will give in to the loudest voice.

I regret the last vote. I regret even more a "no" vote on this amendment that puts a reasonable upper limit, gives States flexibility to set their own speed limit at any point, less than 65, and we ought to vote in favor of the very reasonable amendment that the gentleman from West Virginia has set forth.

Enough is enough. Stop the carnage on America's highways. We can, with one vote, do so.

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

□ 1515

Mr. CUNNINGHAM. Mr. Chairman, I will not take 2 minutes. I understand with good intention what the gentleman from West Virginia [Mr. RAHALL] wants to do. I know in my State of California, if you are driving 55 miles an hour, you are in danger. You cannot pull out, you cannot do anything, because you have streaks of lightning going by you.

But I think what the amendment attempts, there are a couple of issues. It is not just a States rights issue, but an issue of do we trust someone outside Washington, DC, to make the determination on what is right and proper for that particular district, or that particular State. I think we can trust local government and local people to take responsibility, and I think this bill says no, we do not trust them to do that. There is a big difference between San Diego, CA, and Maine, and a lot of country in-between, and each one has different rules, different rights, and I think that if we allow the States to make that determination, they will do it in a responsible way.

So even though there is good intention to the gentleman's amendment, I stand opposed to it, and I ask my colleagues to oppose it.

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

Mr. Chairman, in conclusion, let me again urge support of this compromise. The previous speaker spoke of if you are driving 55 miles per hour on California highways, people pass by you in a streak of lightning. Again, this is a limit of 65 miles per hour and it does allow States the flexibility within and underneath that cap to set speed limits in different parts of their States as they see fit.

Mr. Chairman, I would submit as well, because this is a safety issue, that what we are discussing here is the Federal Government's responsibility to impose proper safety standards upon all of the people in this country, and we have a responsibility not only in this area when it comes to auto driving, but also in other areas, whether it is mine safety, consumer-related health, FDA, whatever, we could go down the list, but where the Federal Government does have a proper role and responsibility. It cannot be left to the States.

Again, I am not casting aspersions upon our State legislatures, which I am sure will rise above local interest and make the common good decision. Nevertheless, we have that responsibility on the Federal level and we cannot allow States to get in a contest of trying to outdo the other State. Again, we get into each State trying to go maybe 5 miles per hour above its neighboring State. Where does it stop? The sky is the limit under the committee-reported bill. This sets a reasonable limit. I think we ought to adopt this 65 mile an hour cap in the name of saving lives, and it is responsible public policy in this country.

Mr. Chairman, I yield back the balance of my time.

Mr. PETRI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 291, not voting 10, as follows:

[Roll No. 677]

AYES—133

Abercrombie	Gilchrest	Miller (CA)
Baldacci	Gilman	Mineta
Barrett (WI)	Goodling	Mink
Becerra	Gutierrez	Molinari
Beilenson	Hall (OH)	Mollohan
Boehlert	Hamilton	Montgomery
Bonior	Hastings (FL)	Moran
Borski	Hilliard	Morella
Browder	Hinchey	Murtha
Brown (CA)	Horn	Nadler
Brown (FL)	Hoyer	Oberstar
Brown (OH)	Jackson-Lee	Olver
Bryant (TX)	Jacobs	Pallone
Cardin	Johnson, E.B.	Parker
Castle	Johnston	Payne (NJ)
Clay	Jones	Pelosi
Clayton	Kanjorski	Poshard
Clinger	Kaptur	Rahall
Clyburn	Kennedy (RI)	Rangel
Collins (IL)	Kennelly	Reed
Collins (MI)	Kildee	Roybal-Allard
Conyers	Kleczka	Rush
Costello	Klink	Sabo
Coyne	LaFalce	Sawyer
Davis	Lantos	Scott
DeLauro	LaTourette	Serrano
Dellums	Levin	Shuster
Dingell	Lewis (GA)	Slaughter
Dixon	Lipinski	Spratt
Dooley	Lofgren	Stark
Doyle	Lowey	Stokes
Durbin	Maloney	Studds
Ehlers	Manton	Thompson
Engel	Markey	Torres
Eshoo	Martinez	Traficant
Evans	Martini	Velazquez
Farr	Matsui	Vento
Fazio	McCarthy	Visclosky
Foglietta	McDermott	Waxman
Ford	McKinney	Wise
Fowler	McNulty	Wolf
Furse	Meek	Woolsey
Gejdenson	Menendez	Yates
Gephardt	Meyers	
Gibbons	Mfume	

NOES—291

Ackerman	Ballenger	Bereuter
Allard	Barcia	Berman
Andrews	Barr	Bevill
Archer	Barrett (NE)	Bilbray
Armey	Bartlett	Bilirakis
Bachus	Barton	Bishop
Baesler	Bass	Bliley
Baker (CA)	Bateman	Blute
Baker (LA)	Bentsen	Boehner

Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Fattah
Istook
Kennedy (MA)
Moakley
Neal
Reynolds
Roukema
Sisisky
Stockman
Tucker

□ 1537

Mr. HOBSON changed his vote from "aye" to "no."

Mrs. CLAYTON and Mr. MARTINEZ changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was necessarily away from the Chamber during the last recorded vote. I believe the number was 677.

Had I been present, I ask the Journal to reflect I would have voted "nay".

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the chairman of the Transportation Committee on the Gowanus Expressway rehabilitation project.

Mr. Chairman, as you know, because of the long period of 7 to 10 years that it is estimated it will take to complete, and the devastating effect that this project will have on the surrounding communities—including an estimated loss of $200 million to the local economy, as well as increased pollution and safety problems—the issue of the Gowanus Expressway rehabilitation project is of great concern to me and many of my constituents.

The plan that the State has put forth on this matter falls far short of adequately addressing some very important issues. This has led to a bipartisan effort that has brought together community leaders, at all levels, in the hope of finding a sensible solution to this problem.

The rehabilitation of this highway will cost approximately $1 billion. That works out to nearly $300 million per mile, making this the costliest transportation project in New York State. Mr. Chairman, this single project will have an adverse effect on the quality of life of 300,000 New Yorkers—more than any other transportation project.

Other area highway projects, which affect far fewer New Yorkers, and cost far less money, have been subject to greater study. In this case, however, the State has done little in the way of examining measures that can reduce the harmful effects on the community or the options available to better address the transportation woes.

In the event that we are unable to resolve the problems which I have briefly outlined, it is my hope that as the House goes to conference on this bill, the chairman will be willing to leave the record open on this issue, so that it may be addressed in the final bill—either through a major investment study or through some other solution.

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

Ms. VELÁZQUEZ. I yield to the gentleman from Pennsylvania, the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Chairman, I understand that the gentlewoman has been working with our colleague, the gentlewoman from New York [Ms. MOLINARI], on this issue. I would encourage the State and local communities to work to address the issues raised here today. As we move forward with this bill I certainly agree to work with both of you on finding an agreeable solution to this problem.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. SHUSTER] for his commitment to this important issue, and, before I yield to my colleague, the gentlewoman from New York [Ms. MOLINARI], a fellow New Yorker who has been instrumental on this matter, I would like to also thank the gentleman from New York [Mr. TOWNS] for his support and attention to this matter and the leadership that the gentleman from California [Mr. MINETA] has provided in addressing this problem. I say to the gentleman, "Mr. MINETA, we are all going to miss you."

Ms. MOLINARI. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, I want to commend the gentlewoman from New York [Ms. VELÁZQUEZ] for bringing this issue to the attention of the House of Representatives. The Gowanus Expressway is a critical component of New York City's highway system. My constituents are very concerned about the time it will take to reconstruct this expressway as well as the major traffic implications which we New Yorkers will encounter for 10 years. It is my hope that we can work with the State to ensure that this project is done as quickly as possible with as little inconvenience as possible for thousands of New York drivers.

Let me also join in thanking the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. MINETA] for their willingness to work with the gentlewoman from New York [Ms. VELÁZQUEZ] and my office to address this issue, and again I commend the gentlewoman for bringing this issue to the forefront of the House of Representatives, and hopefully together, with cooperation from the States, we can utilize some of the resources of the Federal Government to spur this construction which we admit is badly needed but cannot go on for 10 to 15 years.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman from New York [Ms. MOLINARI] for her remarks, and I look forward to our continued working together on this issue, and I also want to thank the gentleman from Pennsylvania [Mr. SHUSTER] for his support.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Page 90, line 17, strike "for only those" and all that follows through the period on line 18 and insert the following: "in accordance with State law."

Mr. NADLER. Mr. Chairman, I am seeking to change a section in this bill that amounts to an unfunded Federal mandate which singles out New York City from the rest of the country. Section 343 of the NHS bill requires New York's Tri-Borough Bridge and Tunnel Authority to collect tolls only in the westbound direction on the Verrazano-Narrows Bridge. This is the only provision of its kind in the United States. My amendment will restore local control over a fundamentally local issue; how New York should collect tolls on the Verrazano-Narrows Bridge. Should it be one-way westbound, one-way eastbound, or both ways? I do not think, with all due respect, that Congress and the President really have the expertise to know which is best for local traffic patterns. Let that be up to the government of New York City.

Currently, having a one way toll on the Verrazano-Narrows bridge creates a path into the central business district of Manhattan from Staten Island through Brooklyn across lower Manhattan out through the Holland Tunnel to New Jersey. This route is used by commuters and commercial vehicles to avoid paying any tolls whatsoever because the Holland Tunnel has a one-way toll in the other direction.

□ 1545

This loophole has cost our transportation agencies between $7 and $8.2 million annually.

Let me turn my attention for a moment from this legislative issue to one of funding. Does anyone here feel so strongly that they would be willing to make up these lost local dollars out of their State's portion of ISTEA funds?

We are not talking money being paid by constituents all over the country. We are talking about money being paid by New Yorkers to our local transportation agencies for local transportation purposes. By what right does Congress tell New York how to raise money locally for local purposes or how to direct traffic on local streets?

In addition to costing us local transportation funds, at a time when urbanized areas are being hard hit by transportation cuts, this unfunded mandate diverts vehicles into Brooklyn and lower Manhattan, thus greatly increasing air pollution which creates large pockets of carbon monoxide.

We cannot afford this kind of increased air pollution in New York City. We are already a nonattainment area under the Clean Air Act and will be hit with penalties by this Congress if we do not comply. But the same Congress will not let us take action to reduce congestion and clean up our problem.

Besides being a cause of increased pollution and being an inconvenience for local residents, this congestion is choking off maritime commerce from the Red Hook and South Brooklyn Marine Terminals in Brooklyn, as well as from numerous small commercial and light manufacturing businesses on the Brooklyn waterfront and in Sunset Park. We are losing jobs, and it will get worse.

A small minority in our city want to use the Federal Government to circumvent local government and the popular will of the majority in our city. Left alone, New Yorkers will do what is in our own best interest. I am convinced we will get rid of the one-way tolls.

Maybe I am wrong and the gentlewoman from Staten Island is correct and the local decision will be to leave the tolls the way they are. The gentlewoman from Staten Island will get up in a few minutes and argue that I am wrong and that the one-way tolls are correct for various local reasons.

The point is that decision, whether I am right or she is right on local traffic patterns and impacts in New York City, should not be for this body. We claim to be for States' rights. I know we are not consistent. Sometimes we are, and sometimes we are not. But this is ridiculous. Congress is going to tell New York City which direction a toll should be for all time in law on a local bridge. The decision belongs locally.

This unfunded mandate has caused the congestion in our streets, killed local businesses, and destroyed the quality of life in some of our communities; and unless we adopt this amendment and allow New Yorkers to decide what is best for our city, Congress will be allowing and mandating the continuing deterioration of these areas.

I urge my colleagues to support this amendment, not put one-way tolls on the Verrazano Bridge into Federal law. Let New Yorkers make the decision whether the Verrazano Bridge should have one-way tolls eastbound, westbound, no tolls, or tolls in both directions. That is a local decision. It should be kept local, and I urge the adoption of this amendment.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

The language in the bill before us provides a permanent authorization for the current tolling configuration for the Narrows Bridge in New York City. This is simply making permanent language approved by Congress every year since 1986 to provide for the one-way toll on the bridge to Staten Island.

Should we go back to collecting tolls in both directions, Staten Islanders will be subjected to increased levels of carbon monoxide and other hazardous air pollutants from idling cars in residential areas as well as increased congestion.

While I am certainly aware of the concerns of our colleague, Congressman NADLER, I also understand that this amendment will not solve his problem; and, therefore, I urge the House to defeat this amendment.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word and rise in strong opposition to this amendment regarding the Verrazano-Narrows Bridge one-way toll. Let me remind all Members that we have already defeated this exact same amendment during the transportation appropriations bill earlier this year, and with good reason.

Since 1986, tolls have been collected on this bridge connecting a Federal interstate in the westbound direction only. That is 9 years in a row in which such an attempt to reverse the toll collection has been defeated by Congress.

Two, the current one-way toll situation has improved traffic flow, reduced pollution, and helped thousands of New York and New Jersey commuters get to work on time. That is one reason why Senator D'AMATO and Senator LAUTENBERG from New Jersey had championed this issue in the U.S. Senate.

Contrary to the arguments just made, the one-way toll is not responsible for Brooklyn nor Manhattan's growing traffic problems. Rather, it is perfectly obvious to anyone familiar with traffic in the area that the reconstruction of the Brooklyn-Queens and the Gowanus are responsible for the current traffic patterns.

Lastly, we talk about a loophole and a funding loss. I would like my colleagues from the other boroughs to explain to me how they would react if their constituents were told that there was no other alternative for them to commute to another borough in the same city without being charged a $7 toll. Neither of them would stand for that, and the only thing they would ask is for some relief.

Let me remind my colleagues that the $7 toll goes largely toward relieving the toll pressures felt on your subways, which I do not have on Staten Island. In the spirit of fairness, all we ask is that, while we pay exorbitant rates to get to your boroughs to subsidize your mass transit, that we be given a little bit more time to get to work in the morning. I think that is a pretty darned good deal. I think it is a rather extravagant deal.

I commend the committee for including the current one-way toll system and recognizing how critically important this is to the tens of thousands of New York and New Jersey commuters who use the Verrazano-Narrows Bridge.

Again I say to my colleagues, as I have said before, if the traffic bothers

them so much, then let us all join together and do what is really fair and do away with the toll on the Verrazano-Narrows bridge all together. Then we could all go home and say we did the right thing for New Yorkers.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of my colleague's amendment.

The gentleman from New York and I represent several neighborhoods in lower Manhattan and Brooklyn that bear the brunt of the current wrong-headed toll policy on the Verrazano Bridge.

First of all, our colleagues from around the country should rightly ask why is Congress becoming involved in what is a local traffic dispute. That is a very good question, especially when we consider that year after year the mandate of the one-way toll from Brooklyn to Staten Island was put into place over the objections of our city and State governments and all but one of our city congressional representatives.

Here is why the one-way toll continues to be a terrible idea. First, it wastes money. Toll evaders are ducking out of $7 million in lost revenue. This funding could improve New York's roads so that fewer tax dollars are needed for these roads in New York.

Second, it is an environmental disaster. The diverted traffic into my district has caused air pollution hot spots at which dangerous carbon monoxide exceed national standards. All this because residents of one particular section of our city and others from another State can save a few dollars a week by evading a toll.

The one-way toll over the Verrazano has caused a great deal of damage that can never be undone, but let us end this folly and pass the Nadler amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer amendment No. 24.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. NADLER: Page 97, after line 12, add the following:

SEC. 354. EXTENSION OF DEADLINE FOR REPAYMENT OF FUNDS.

The Secretary shall extend by 2 years the deadline by which the State of New York is required under section 103(e)(7) of title 23, United States Code, to make a repayment to the Highway Trust Fund in connection with Federal funds expended to acquire property for a portion of Interstate Route 478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of such title.

Conform the table of contents accordingly.

Mr. NADLER. Mr. Chairman, this amendment simply extends a statutory deadline for New York either to repay funds spent to acquire rights-of-way for the Westway project or to apply for a so-called payback waiver which would allow those funds to be spent current eligible projects.

The amendment is revenue-neutral. It provides no new funds for New York City, does not draw on the highway trust fund, nor would a failure to extend this deadline make available any additional funds to the highway trust fund. However, failure to extend this deadline could result in these funds being misdirected away from the communities whose transportation needs they were expended to serve.

This extension is temporary. It gives the State department of transportation 2 years to file a new application for a payback waiver in compliance with U.S. DOT guidance.

This is money New York received as part of its share of transportation funding. We should be able to use this funding for its intended purpose—to serve the transportation needs of our community. However, unless this deadline is extended, a legal technicality, combined with bureaucratic wrangling, could place these important transportation initiatives in jeopardy.

We fought long and hard to ensure that this money would be spent in the most productive and efficient manner possible. I ask my colleagues' assistance in straightening out this bureaucratic mess so that our local transportation authorities can move forward with serving the transportation needs of our city.

Mr. Chairman, there is currently pending, or there was, I should say, a lawsuit. The settlement of that lawsuit bound the Governor of the State of New York and the mayor of the city of New York and the two comptrollers that the Governor would make a good faith application for a payback waiver. The previous administration in New York made such an application in 1990. It was clearly not in compliance with Federal guidelines. It was, therefore, rejected by the Federal Government and it is not regarded as a good faith application.

The question is whether the State administration has met its legal mandate under the court order to make a good faith application. There is a lawsuit pending now, brought by the comptroller of the city against the State department of transportation. If the lawsuit is unsuccessful, this amendment will not be utilized. It will be irrelevant. If the lawsuit is successful, this amendment would give the administration of New York the opportunity beyond the expiration date on September 30, a 2-year opportunity, to meet its legal obligation and make the application for the payback waiver.

As I say, Mr. Chairman, this has no fiscal implications for the highway trust fund or the Federal Government but simply extends the waiver so New York can settle the lawsuit, get its act together, and make the application for the waiver.

Ms. MOLINARI. Mr. Chairman, I rise in opposition to this amendment which the State of New York and the city of New York are also opposed to.

Earlier this year the New York State Department of Transportation chose to no longer waive the payback of funds for the Westway project. As recently as today, my office again confirmed the State's position on this issue, and that has not changed, equally with the city of New York.

As I mentioned, during the committee markup of the National Highway Service bill, I hope to further address this issue with the State and the city of New York to determine whether a real solution can be worked out. In the meantime, however, on their behalf, I must rise in opposition to the amendment.

Mr. RAHALL. Mr. Chairman, I move to strike the last word and rise in support of the gentleman from New York's amendment and I yield to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, let me say I join the gentlewoman in hoping that this will be worked out, but simply would observe that at this time there is a lawsuit pending. It was brought about a week ago by the comptroller of the city of New York against the Governor of the State of New York on issues having to do with whether, in fact, the State has met its legal obligation under a previous court settlement under which it is bound to make an application of the payback waiver.

If that lawsuit should be successful, they are going to be bound to make the application, but the deadline is September 30. If this is not worked out, if the lawsuit is unsuccessful, if the Governor is not compelled by the lawsuit to make an application or they decide that they are not going to, then this amendment is not necessary. But if the Governor should decide he wants to make the waiver, as these things are discussed in New York, or if the courts tell him he must, then this amendment will be necessary,

All the amendment does, Mr. Chairman, is give extra time to the Governor. It does not bind the Governor. It is up to him and the lawsuit in New York. This gives not just the Governor, this gives the State 2 years to make the application if they want to. Currently, the Governor does not want to because he does not agree with the conditions the Federal Government would impose on that waiver. But he will either decide to do so or he will not, or he will be ordered by the courts to do so, or he will not. All this amendment says is give New York some extra time.

So this does not prejudice anybody and it does not cost anybody any money. I suspect that the Governor is going to need this amendment, even if he does not think so now, if he should be ordered by the courts to make the application. Because if he is ordered to make the application, and there is no extra time, the court may very well tell him that he is bound by the conditions of the Federal Government but he does not get the money, or he does not get the positive aspects of it.

□ 1600

So I think that adoption of this amendment will simply give the State an additional time for the option, and it does not force them to do it. I would urge this be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 97, add the following new section:

SEC. 356. TECHNICAL AMENDMENT.

Notwithstanding title 23 U.S.C. 101(a), the projects described in section 149(a)(62) of P.L. 100-17 and section 1 of P.L. 100-211 shall be eligible under title 23 U.S.C. 204.

Mr. SHUSTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, this is an amendment we have worked out with the other side, noncontroversial. The amendment merely clarifies the eligibility of two park roads. I understand the leadership on the other side is prepared to accept it.

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

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

Mr. RAHALL. Mr. Chairman, we have no problems with the amendment. We have reviewed it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

Mr. POSHARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 2274, the National Highway System Designation Act of 1995. This is a sound piece of legislation, and I applaud my colleagues on the Transportation and Infrastructure Committee for helping bring this bipartisan bill to the floor.

By passing this legislation quickly we will ensure that critical highway funds will be sent to the States. Within H.R. 2274 are provisions guaranteeing the States will receive $6.3 billion in fiscal year 1996 highway funding. This equates to approximately $255 million for the State of Illinois, and allows much-needed highway projects to continue without disruption of Federal funding.

The National Highway System bill before us today lifts many burdensome mandates and Federal regulations that hinder progress of our Nation's highways. Contained within this bill are commonsense reforms to the hour-of-service regulations impacting farmers, and I fully support eliminating the penalty for noncompliance for motorcycle helmet use laws. The Illinois General Assembly has attempted three times to pass legislation complying with this Federal mandate. The people of Illinois do not support forced helmet use compliance, and I urge my colleagues to support this much-needed reform.

I support taking the transportation trust funds off budget. I believe it is important to enact the trust fund legislation, and feel a separate vote on that issue will accomplish the goal of guaranteeing these funds are used for their intended purposes. I appreciate the efforts of Chairman SHUSTER to reach a workable compromise on this, and other contentious issues.

Rural America is dependent on a sound and efficient network of roads. The National Highway System map we are designating today will play a vital role in America's infrastructure needs and will have a significant impact on the economy of my district. This map includes numerous routes through south-central Illinois which will help bolster the area's economy, and its ability to flourish. I want to particularly thank Joe McGuire of Wabash County and the other members of the Route One Committee for their tireless efforts in promoting the Route One Corridor as an integral part of the new National Highway System.

The National Highway System Designation Act of 1995 will shape the future of America's transportation system. Passage of this bill will ensure the States will receive their Federal highway funding, and I urge my colleagues to vote "yes" on this critical legislation.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 97, add the following new section:

SEC. 356. SAFETY REPORT.

Not later than September 30, 1997, the Secretary of Transportation, in cooperation with any state which raises any speed limit in such state to a level above the level permitted under section 154 of Title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to the Congress a study of—

(1) the costs to such state of deaths and injuries resulting from motor vehicle crashes, and

(2) the benefits associated with the repeal of national maximum speed limit.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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

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

Mr. PETRI. Mr. Chairman, we have enjoyed working with the gentleman on this amendment, have studied it, and are willing to accept it.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I thank the chairman of the subcommittee and the chairman of the full committee for their cooperation, and the gentleman from West Virginia [Mr. RAHALL] for his participation. This is simply a safety report.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: At the end of title III of the bill, insert the following:

SEC. 354. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS

"(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 161. National standard to prohibit the operation of motor vehicles by intoxicated minors

"(a) WITHHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

"(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be appropriated to any State under each of paragraphs (1), (3), and (5) of section 104(b) of October 1, 1998, if the State does not meet the requirement of paragraph (3) on such date.

"(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on such date.

"(3) REQUIREMENT.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that makes unlawful throughout the State the operation of a motor vehicle by an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be a appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of

the period of which funds withheld under subsection (a) from apportionment are to remain available for apportionment to State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets such requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which such funds are so apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the following:

"161. National standard to prohibit the operation of motor vehicles by intoxicated minors.".

Conform the table of contents of the bill accordingly.

Mrs. LOWEY. Mr. Chairman, I will include for the RECORD a letter from the Mothers Against Drunk Driving in support of my amendment.

Mr. Chairman, I rise today to urge my colleagues to close a loophole in the law that tragically claims thousands of lives each year on our Nation's roadways: Drinking and driving by minors.

While everyone knows that it is illegal to purchase alcohol if you are under 21 years of age, 23 States still permit underage drivers to drive legally with alcohol in their system as long as their blood alcohol content does not exceed the State's legal limit. So incredibly, in 23 States it is illegal for minors to purchase alcohol, it is illegal for them to publicly consume alcohol, but it is perfectly legal for them to drink and drive.

This loophole still exists despite the clearly lethal consequences of teenagers who mix drinking and driving. What is the result? Each year between 2,000 and 5,000 youths, age 15 to 24, are killed in alcohol-related crashing. In fact, according to the National Highway Traffic Safety Administration, 40 percent of traffic fatalities involving underage drivers are alcohol related.

Mr. Speaker, this is a very straightforward issue. It is an issue of getting tough on a crime that kills thousands of Americans every year. Since it is illegal in every State for children under the age of 21 to purchase and possess alcoholic beverages, it should also be illegal for children under 21 who have been drinking to drive.

My amendment sends a very clear message. If you are under 21, consumption of alcohol combined with driving will be treated under State law as driving while intoxicated. End of story. And to any of my colleagues who think it might be okay for a teenager to have a beer or two and then drive, let us look at the facts.

According to a 1991 study by the Insurance Institute for Highway Safety, male drivers between 16 and 21 who have a blood alcohol level of .01 to .04 are six times more likely to be in a fatal crash than drivers 25 years and older. Under my amendment, which was adopted by the Senate in June by a 2-to-1 margin, if a State fails to adopt a zero tolerance standard for drivers under 21 by the beginning of fiscal year 1999, they would lose 5 percent of their Federal highway funds for that year. In subsequent years if that State has failed to act, it would lose 10 percent of its funds.

Unfortunately, the bill before us today does not contain the zero tolerance measure adopted by the Senate. My amendment will make the House bill identical to the Senate in this lifesaving measure.

What can we expect from enactment of zero tolerance laws nationally? For the States that have adopted zero tolerance laws, Maine, New Mexico, North Carolina, and Wisconsin, they have experienced a 34-percent decrease in traffic fatalities among young drivers at night. Let me repeat, a 34-percent decrease in traffic fatalities.

If all States adopted zero tolerance laws, at least 375 fatal crashes would be prevented each year. Very simply, we are talking about saving lives. In designating the National Highway System of some 160,000 miles of road deemed to be of national significance, we in this Chamber have a responsibility to ensure the safe usage of those roads. Nothing is more detrimental to highway safety than drunk driving.

The approach my amendment takes has saved lives before. Since passage in 1984 of the bipartisan uniform minimum drinking age, or 21 law, States which fail to adopt 21 as the minimum age for the purchase or public possession of alcohol beverage, face a withholding of a portion of their highway construction funding. As a result, each State has made 21 the drinking age, and 1,000 American lives are saved each year.

Mr. Chairman, drunk driving is a serious crime. The swift and certain way to achieve zero tolerance of this crime by minors is to pass this amendment. My amendment builds on the success of the 21 law passed by Congress in 1984. Please support this amendment. We cannot be too tough on drunk driving.

Mr. Chairman, I urge Members to adopt my amendment.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the reason I rise in opposition to this amendment is because it is counterproductive. The committee strongly believes in very tough drunk driving incentives, and indeed in the committee, in the legislation before us, thanks to the leadership of the gentleman from New York [Mr. QUINN], we have set .02 as the standard. But we have set it by incentives, not as a mandate. If there is anything we have learned around here with regard to mandates, it is that the hammer approach of sanctions has proven over the history of the Federal Aid to Highway Program to be unsuccessful. Incentives work much better.

For example, since the motorcycle helmet provisions and associated penalties were enacted in ISTEA in 1991, only one State has enacted a motorcycle helmet law that did not have one prior to ISTEA. Twenty-five States ignored taking action and had the Federal penalty imposed upon them.

States no longer respond positively to the heavy hand of the Federal Government mandates. They are speaking with their pocket-books. In fact, the irony here is that if we were to mandate a 5-percent reduction in funds, that simply means that the States would have less money to make the highways more safe. It is counterproductive.

We have in this legislation very strong incentives. Indeed, we should support, therefore, what is in the legislation and oppose this counterproductive amendment. A sanction of this sort will likely do more harm. The amendment proposed, and I am sure that is not the gentlewoman's intention, but will likely do more harm to the .02 cause than the positive improvement to the current incentive grant program contained in this bill.

So for those reasons, while I respect what the gentlewoman is attempting to do, it is counterproductive. Stick with the committee.

Mr. Chairman, I would urge defeat of this amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment introduced by the gentlelady from New York [Mrs. LOWEY] and I commend the gentlelady for her efforts in bringing this important issue to the floor for our consideration.

According to the National Highway Traffic Safety Administration, 40 percent of traffic fatalities involving underage drivers are alcohol related. Given this telling statistic, it is beyond comprehension that although it is illegal in every State for persons under the age of 21 to purchase and consume alcoholic beverages, less than half the States have enacted zero tolerance laws to prohibit minors from drinking

and driving regardless of the driver's level of intoxication.

This amendment strongly encourages the remaining States to adopt zero tolerance language by fiscal year 1998 or lose 5 percent of their Federal highway funding for that year. States which have adopted zero tolerance legislation have experienced a dramatic decrease in traffic fatalities among younger age drivers.

Mr. Chairman, this measure seeks to encourage common sense. Accordingly, I strongly urge my colleagues to support the Lowey zero tolerance amendment in the hope that we can reduce the number of senseless tragedies that result from underage drinking and driving.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to express my strong support for the very important amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Teenagers simply should not be allowed to drink and drive. It endangers them and it risks the lives of everyone else who is on the road.

Teenagers are the one group with the absolute least experience with alcohol and with driving—and with coping with the combination.

This amendment simply continues the process we began in 1984 when we set sanctions for States that do not enact 21-year-old minimum drinking age statutes.

Unfortunately, the way the law is now written, a teenager may not purchase alcohol but that same teenager may get a drink some other way and then hit the road—legally.

The gentlewoman's amendment would change that by requiring States to adopt statutes reducing the legal blood alcohol content for anyone under 21 who is driving to zero tolerance.

The amendment would use the same sanctions that were used in 1984 for the 21-year-old minimum drinking age.

States would face the loss of 5 percent of their highway funds if they do not enact zero tolerance statutes after 1 year.

The States would face a 10 percent penalty if the zero tolerance statutes are not adopted after the second year.

Mr. Chairman, the 21-year-old minimum drinking age statute was successful. It reduced fatalities and it eliminated the blood borders that existed between States with different minimum drinking ages.

But far too many of our young people still die on our Nation's highways and there are far too many alcohol-related crashes.

In 1993 alone, more than 2,300 teenagers died in alcohol-related crashes. That is 2,300 young people in a single year.

The 12 States that currently have lower alcohol limits for under-21 drivers have had a 20-percent reduction in alcohol-related crashes.

It is estimated that at least 375 alcohol-related crashes would be prevented each year if all States adopted zero tolerance laws.

This zero-tolerance amendment is absolutely vital for making our Nation's highways safer and for reducing alcohol related accidents.

This zero-tolerance amendment is common sense and good government.

It uses a modest sanction to ensure that our young people will live longer and the roads will be safer for everyone.

Let's put this house in support of ending teenage drinking and driving.

I commend the gentlewoman from New York for offering this important amendment and I urge its passage.

□ 1615

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to thank the gentlewoman from New York for her efforts to deter underage drinking and driving. While we share the same concerns, I must speak against her amendment, because it goes against everything we are trying to change about Washington.

My objection to the Lowey amendment is found in its approach, not in its substance. The gentlewoman's amendment will penalize the States by withholding 5 percent of their highway funds if they do not comply.

This is a States rights issue. At a time when we are trying to empower the States to govern themselves, we do not need to send them edicts and unfunded mandates from Washington that will withhold much needed highway funds if they do not comply.

This bill is a States rights bill. In the Transportation and Infrastructure Committee we started the trend to give rights back to the States by eliminating the national maximum speed limit and mandatory helmet laws. This amendment flies in the face of what we are trying to do here.

This very important safety provision of zero tolerance for underage drinking and driving has already been included in H.R. 2274. This provision, though, offers incentives to the States who comply, rather than penalizing them for not doing so.

Earlier this year I joined with my esteemed colleague from New York, the Reverend FLOYD FLAKE, to work on a bill designed to reduce drinking and driving among younger drivers.

It is a fact that traffic fatalities are the leading cause of death for those under the age of 21 and of those fatalities 40 percent are alcohol related. In addition, studies have shown that teenage driving is impaired at lower blood alcohol concentrations than that of an adult.

Zero tolerance laws that have been adopted in various States across the country have proven to reduce the incidence of fatal crashes among teenagers.

In closing, I would like to thank Chairman SHUSTER and Subcommittee Chairman PETRI for including my zero tolerance provision in this legislation.

Vote "yes" for zero tolerance of underage drinking and driving.

And vote "yes" for States rights by voting "no" on the Lowey amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to support the Lowey amendment, because I think the Lowey amendment does what very often we like to do in our own families with our children, and which I think most American parents like to do with their children. That is, they like to be able to send a clear and unambiguous message, because very often we understand that young children need clarity in that message, and ambiguity very often confuses and causes misjudgments on their part.

What we have here is a situation where the government is sending two different messages. We clearly recognize that it is illegal, and with the support of the parents of this country, we have made it illegal for young people to drink under the age of 21. However, we say, on the other hand, "If you have been drinking and then you get into an automobile and drive, and you are under the influence, we can tolerate that, and you will not be punished or some other action taken."

So we are sending two different messages. It is illegal to drink, but if you do not get caught, but you are later caught in an automobile, actions are not going to be taken for your drinking.

That is a message that we should not be sending. The ambiguity of that message we should not be sending, and that is not a message that parents, I believe, want their government sending to young people. Yes, it is illegal, but if you do not get caught, it could be OK if you are in the right set of circumstances.

That is not what we do. We do not do this with marijuana, we do not do this with drugs. We do not say, You can use marijuana and then if you get caught driving under the influence, if you appear to be OK, you are released. We do not do that. I think we have to make it very clear here that parents send a message that they do not want their young people to use alcohol, and we ought not to allow this ambiguity.

Many of the arguments used against zero tolerance are the arguments that were used against it when we decided last year that we would have zero tolerance in our schools for people who bring weapons to schools. There are a lot of hard cases, a lot of difficult cases, but the fact is schools do not need to have weapons in them. People should not bring weapons to school. We

needed to send out right messages. We heard that some States had done it, some were going to do it, some States did not like being told to do it. The fact is today all States have it. We have zero tolerance. We have sent a very clear message: Bring a gun to school, you are out for a year. No ambiguities. Bring a gun to school, you are out for a year.

What we are saying here, climb into a car, if you have been drinking and you are stopped for some reason, the State is going to make a determination about the price. This is not about sending edicts. This is not about sending mandates. This is about sending a set of values that we share with our constituents, we share them as parents, as grandparents, as people who are concerned with children. These are values that we share, and what we are saying is, Let us get on with it. Let us get down to the point where we can provide this kind of protection for our children. This is a very nonintrusive way. We are not saying how you have to mete out the penalties, we are not saying they cannot send them to education or counseling, what have you. All of that is available for communities and States to decide.

What we are saying is, as a national legislature we no longer want to tolerate the ambiguity and the danger, the danger that that ambiguity places our children in on a nightly and daily basis, and other people in on a nightly and daily basis on the roads of America.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong, strong support of the amendment. We did this in 1984, and it worked. Let me tell the Members why.

In the Washington, DC, area and in my congressional district, we basically had a situation whereby we had a blood border. We had young men and women from my congressional district in McLean and places like that going into Washington, DC, where the drinking age was 18, purchasing alcohol, coming out and getting killed on the George Washington Parkway. The number of deaths on the George Washington Parkway was amazing. One night I was coming back and there were police there, and I stopped and pulled over to the side, and there was a young lady under a blanket who had just died, had been in a collision, just south of 123.

When we did this in 1984, we saved a lot of lives. I would tell the Members, as a father, a mother, a grandparent, or as somebody who has young children, think in terms of what this means to your family. I as a father of five children can still remember at nights listening to the gravel on the driveway, waiting for my children to come home, to know that they were safe. The most disturbing call that anyone can possibly get must be that telephone call, and I thank the good Lord that we have not gotten it, that telephone call at 12 or 1 o'clock to say your son or your daughter has been killed in an accident somewhere because of drunk driving, or things like that.

I do not want to put mandates on the States on all these other things. I stand with the body on most other issues. But on the safety issues and on this blood alcohol issue, I think this is one of the exceptions we should make. I would just ask, frankly, those of you out there who have never experienced what I have never experienced, we may not have experienced it because of the work that was done in this body in 1984. That language that we passed may have kept us from getting a telephone call, and we may not even know why we did not get the telephone call, but that may be why we did not get the telephone call. I would hope that the chairman would accept this language.

I would hope that something like this could come in, and maybe 5 percent is not it, maybe it should be 10 or 3, but somehow we know it worked in 1984, and we know it saved thousands of lives. We do not want the pain and agony in anyone's else's life. I strongly urge that it will work this time, and I urge support of this amendment.

Mr. Chairman, it is my pleasure to rise today in support of this amendment offered by the gentlewoman from New York [Mrs. LOWEY] to H.R. 2274, the National Highway System Designation Act.

This amendment will help save the lives of scores of young people and will make all our Nation's highway's safer. The amendment by the gentlewoman from New York strongly encourages States to implement zero-tolerance alcohol standards for drivers under the age of 21. It is the current law in every State that you must be at least 21 years of age to purchase or consume alcohol, and this amendment certainly is consistent with that law.

Furthermore, this amendment will be very effective, as States will lose a percentage of their basic Federal highway funds for each year, after October 1, 1998, that zero-tolerance laws are not in effect.

Did you know that according to the National Highway Traffic Safety Administration [NHTSA], 40 percent of traffic deaths involving underage drivers were alcohol related?

Did you know that in 1994 2,200 people were killed because minors were drinking and driving. And further that 1,600 of these people were teenagers themselves?

Mr. Chairman, it should be noted that the Lowey amendment has already been overwhelmingly adopted in the Senate version of this legislation and is supported by the National Association of Governors' Highway Safety Representatives and Mothers Against Drunk Driving.

I know what a widespread problem underage drinking and driving is. I have sponsored my own legislation, the High Risk Drivers Act of 1995, on this subject, and can remember the blood border days when youths would drive, many under the influence of alcohol, from States with higher drinking ages to places where they could more easily consume and buy alcohol.

The Lowey amendment will be an important step in combating drunk driving and, as a matter of public safety and concern for our children and grandchildren, should be accepted as part of H.R. 2274. Mr. Chairman, I applaud the efforts of the gentlewoman from New York and urge passage of her amendment.

Mr. WARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am one of the gentlemen from Kentucky, and I mention that at the beginning of my remarks because distilled spirits are very important to the State of Kentucky, but I rise in support of this bill. I rise, knowing that the Distilled Spirits Council has come out with model legislation, Mr. Chairman, that the Distilled Spirits Council which represents distilleries across America, has used in State after State to encourage them to enact just the legislation we are discussing here today.

We need to make sure that young people understand, it is not a question of taking a little drink, it is not a question of being below a certain alcohol blood content level. It is a question of not getting behind the wheel of a car if you are drinking at all. If a young person up to age 21 is not allowed to drink or possess alcohol, what sense does it make, what sense does it make not to make sure they suffer the penalties of a drunk driving arrest?.

I may also be rising today because the day after tomorrow, on Friday, the September 22 I will be taking my then 16-year-old son to get this driver's license, his driver's permit. He turns 16 the day after tomorrow. When I take him to get that permit, I am going to be doing it with the same fear and the same concern that we have heard from other speakers; not necessarily that he will be driving while drinking, but rather, that he is going to be out on those roads, and that he could be at risk; that he could be at risk because another young person who does not understand zero tolerance is on the road.

We have seen a bipartisan, a truly bipartisan, support for this amendment here today. I think it should tell us something. It should tell us that a yes vote is what makes sense for the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Let me add one final issue, the issue of States rights. We are turning States rights on its head when we use that issue. I say that as one who has just come into this Chamber twice in a row on recorded votes and said that yes, States probably should have the right to set their own speed limits. I apologize to the gentleman from West Virginia [Mr. RAHALL], but I did vote against his amendments, because States do have different sets of circumstances that allow them and would justify different speed limits. We should not make that decision here in Washington.

However, I want to tell the Members, there is no different circumstance in any State in this Union that should allow a person under 21 to drive with one drop of alcohol in his or her blood. I support the amendment, and I urge its passage.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment. Mr. Chairman, we have all, unfortunately, been touched by the deadly consequences of drunk drivers on our Nation's roads. We all struggle as Members of the human community and as legislators to figure out what we can do possibly to lower the chances of drunk driving.

How do we send that message? Today this amendment is one very important piece of sending that message. If a teenager is caught drinking and driving, even at very low blood alcohol levels, and he or she is penalized, chances are they will think twice next time. That is a chance, Mr. Chairman, we are obligated to take. Let me also comment on the States rights issues. We all struggle over the role of the Federal Government, and the heavy-handedness of it. Quite frankly, however, efforts to stop drunk driving and efforts to save lives on the road should reach across city, State, and Federal lines. This must be a united effort, and as Members of the Federal Government, as representatives elected to protect and promote safety, we cannot abdicate that role.

Again, let me just thank the gentlewoman from New York [Mrs. LOWEY] and commend her for bringing a very important amendment to a bill that is 99 percent there. It is a great national highway systems bill. With the gentlewoman's amendment adopted, it will certainly add to it.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Lowey amendment that would encourage States to enact a zero tolerance law to close a loophole in the National Minimum Drinking Age Law. Mr. Chairman, that law prohibits anyone under the age of 21 from consuming alcohol, yet does not prohibit them from driving after drinking. I ask my colleagues, does this loophole make sense? Certainly not. Zero tolerance laws make it illegal for underage persons to drink any amount of alcohol and then drive. As of 1994, 24 States had zero tolerance laws which make it illegal for an underage person to drink and drive with a .02 blood alcohol level or less. Less than one beer would put the average young adult over the limit.

Mr. Chairman, too many Americans have been personally affected by the tragedy of drunk driving. They have lost a family member, relative, or friend. While the 21-year-old drinking age has made significant strides in reducing these tragedies, we must not stop there. Mr. Chairman, we owe it to all members of society—particularly our children—to close this deadly loophole.

Support this important amendment.

□ 1630

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Lowey amendment which would require States to enact zero tolerance laws that make it illegal for minors to drink and drive.

In one year alone, more than 22,000 people were killed in drunk driving accidents. Ten percent of those killed, more than 2,200, lost their lives in crashes involving alcohol and minors. We can do something about this national tragedy.

Data from the National Highway Safety Transportation Administration [NHSTA] indicates that legislative efforts to reduce drunk driving are achieving some success. In all, 24 States have adopted zero tolerance laws, and the alcohol-related crashes among minors in all of those States is down by 10 to 20 percent. In four of those States—Maine, New Mexico, North Carolina, and Wisconsin—the traffic fatalities among young drivers at night has decreased by 34 percent.

Even at blood alcohol concentrations as low as 0.02 percent, alcohol affects driving ability and the likelihood of a crash. Under the Lowey amendment teenagers who take just one drink and get behind the wheel of a car would be in violation of the law and would lose their licenses for several months.

During the spring, I attended a high school assembly in Bethesda, MD, and listened to a young man from California, Brandon Silvera, tell an auditorium full of teenagers why it doesn't pay to drink and drive. Brandon had been an athlete and an outstanding student. The summer prior to his senior year in high school, he was looking forward to the coming football season and making choices about which college he would attend. One evening, after attending several parties where he had a few drinks, he fell asleep at the wheel. His car veered off the road and he crashed into a tree. He was just a short distance from his home.

Brandon is now in his twenties. He has difficulty walking and his speech is slurred. Nevertheless, he travels around the country with his father urging teenagers not to drink and drive. Perhaps a zero tolerance law would have prevented the accident that changed this young man's life.

In terms of States rights, young people may well drive from one State to another where there are different laws.

A recent survey revealed that 80 percent of the young people in the Washington area had their first drink at age 14. Teenagers in Maryland and Virginia are more likely to drink than those in the city of Washington. The Washington area has more than one million underage children, and many seem to have no problem buying or getting their hands on alcohol. Parents surveyed believe their children's friends drink and drive, but few parents think their own children drink and drive.

I urge my colleagues to join me in saying, enough, to the senseless and preventable slaughter on our highways by supporting the Lowey amendment.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from West Virginia [Mr. RAHALL] for yielding.

Mr. Chairman, it is true that H.R. 2274 purports to provide an incentive to States to adopt zero tolerance by making .02 BAC a basic criteria. Unfortunately, the incentive provided is minimal at best and will not accomplish our goal. My amendment is the only one with teeth. The bill says if the States adopt .02 BAC in addition to other safety measures, they will get an incentive grant.

Well, let us read the fine print. Right now the section 410 program says to the States, "undertake the following countermeasures to drunk driving and we will give you X amount of dollars." The trouble is when the States have complied with the criteria outlined in the 410 program, they do not get what they are promised, they get about half of what they were promised. So if we use the incentive grant as outlined in the bill, we are saying to the States, pass zero tolerance, and we promise not to give you any more of the money we already are not giving you.

What kind of an incentive is that? In 1984, we could have used incentive grants to encourage the States to pass 21 as the drinking age. Had we done that, 21 would not be the law of the land. It would be the law in part of the land. How many more of our children—and as a mother of three, I feel this very deeply—would have died as a result?

The key word in the Uniform Minimum Drinking Act of 1984 was uniform. We wanted all the States on a uniform basis to adopt 21 as the drinking age in a specified period of time. To those who favor the carrot over the stick, let us be honest. If we adopt my amendment, we will get zero tolerance in every State. We will get it soon. And as was the case with 21, no State will experience the withholding of any highway funds.

Mr. Chairman, I met with members of MADD in my district, in front of Mamaroneck High School just this week. I met with members of SADD, Students

Against Drunk Driving. I spoke with the Mamaroneck police chief and his officers. I spoke with a father who lost his daughter in a drunk driving accident. No one in Mamaroneck, Mr. Chairman, spoke of States rights. They spoke instead of the moral imperative of passing drunk driving laws.

Too many Americans have been personally affected by the tragedy of drunk driving. Too many Americans have died. As parents, we owe it to our children to close this deadly loophole. Let us do everything we can to ensure that no parent will be awakened in the middle of the night with the awful news that their child has been killed in a drunk driving accident.

Mr. Chairman, we just cannot be too tough on drunk driving. I urge my colleagues to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 203, not voting 8, as follows:

[Roll No. 678]

AYES—223

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Browder
Brown (CA)
Brown (OH)
Bryant (TN)
Bryant (TX)
Burr
Canady
Cardin
Castle
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Holden
Horn
Hutchinson
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Porter
Portman
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Royce
Rush
Sanders
Sawyer
Saxton
Schiff
Schumer
Scott
Serrano
Shays
Slaughter
Smith (NJ)
Smith (WA)
Stark
Stockman
Stokes
Studds
Tanner
Tate
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Wamp
Ward
Waxman
Weldon (FL)
Whitfield
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—203

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brown (FL)
Brownback
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Dellums
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehrlich
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Franks (NJ)
Gallegly
Ganske
Geren
Gillmor
Gonzalez
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hilliard
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kim
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Obey
Olver
Oxley
Packard
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Sabo
Salmon
Sanford
Scarborough
Schaefer
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Vucanovich
Walker
Walsh
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
White
Wicker
Williams
Wilson
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Fattah
Kennedy (MA)
Moakley
Reynolds
Roukema
Sisisky
Solomon
Tucker

□ 1659

Messrs. POMEROY, OLVER, TEJEDA, HILLIARD, Ms. BROWN of Florida, and Mrs. CLAYTON changed their vote from "aye" to "no."

Messrs. HUTCHINSON, RICHARDSON, ROSE, GOODLING, BRYANT of Tennessee, Mrs. KELLY, and Ms. RIVERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

Ms. MCCARTHY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the National Highway System bill, which reaffirms the Federal Government's commitment to building and maintaining the finest highway transportation system in the world.

Before I begin, I would like to say a few words about my colleague and mentor, the gentleman from California [Mr. MINETA], who will soon retire from his Chamber. It is altogether fitting that the man who came to this body to "build bridges between people and over rivers" that we are completing a highway bill in his final days in Congress and that we are doing so in the spirit of comity and bipartisanship, the governing principals of NORM MINETA. I will sincerely miss his guidance and friendship.

The National Highway System [NHS] bill we consider today is very much the product of Mr. MINETA's extensive work over the years at the Transportation Committee. This bill builds on the 90,000-mile Interstate System by adding an additional 70,000 miles of roads to be included in the new highway system. The idea behind the new NHS is to connect the interstate system and other roads of national significance with, airports, sea and river ports, train depots, and commercial and downtown areas.

The fifth district of Missouri, in the geographic center of the Nation and with a reputation as a transportation hub for the country, will benefit greatly from passage of this bill. The measure includes the important designation of Interstate 35, a superhighway for trade connecting Canada, the United States, and Mexico. In addition, the NHS bill includes such roads as Jackson County Roadway, U.S. 50 and Missouri 291.

Mr. Chairman, this bill will help position the United States to enter the next century with the finest transportation system in the world and provide us with the ability to move goods and people in a more safe, efficient, and

cost-effective manner. I encourage our colleagues to support this very important bipartisan effort.

Mr. LONGLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania in a colloquy.

I would like to clarify that section 351 provides adequate safeguards to ensure no adverse impact on safety.

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

Mr. LONGLEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I say to my good friend, section 351 provides no exemption shall go into effect for 6 months. It also provides the Secretary may modify, revoke, or not have the exemption go into effect if he finds the exemption is not in the public interest and would have a significant adverse impact on safety.

Mr. LONGLEY. I thank the gentleman. I am committed to insuring the safety of commercial motor vehicles.

Mr. SHUSTER. I share the gentleman's concern.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: At the end of title III, insert the following:

SEC. 354. The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving of laws enacted in the states which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.

Ms. FURSE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Ms. FURSE. Mr. Chairman, drunk driving continues to be a serious health problem in America. According to Mothers Against Drunk Driving, over 950,000 people are killed or injured on our highways each year as a result of drunk driving. According to a study in my district, more than 86 percent of drunk drivers go through emergency rooms but are never charged in their offenses.

We can change these tragic figures. I want to tell you a story of a dedicated emergency room nurse from my district. Her name is Carol Bononno, and she was fed up with seeing the same drunk drivers come into her trauma unit time after time, and almost without exception these drunk drivers were not held accountable for their actions.

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

Ms. FURSE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I have examined the gentlewoman's amendment. I think it is a good amendment, and I support it. Our committee supports it.

Ms. FURSE. I thank the gentleman very much for that. I want to commend Ms. Carol Bononno for her work in doing this wonderful act. I thank the gentleman, and I thank the ranking member, too, for his kindness for accepting this amendment.

Mr. Chairman, drunk driving continues to be a serious health problem in America. According to a study conducted in my district, more than 86 percent of drunk drivers who go through emergency rooms are never charged for their offenses. In 1992, 41 percent of drivers killed in car crashes had alcohol in their system. According to Mothers Against Drunk Driving, over 950,000 people are killed or injured on our highways each year as a result of drunk drivers.

We can change this tragedy. I want to tell you the story of a dedicated emergency room nurse from my district, Carol Bononno, who was fed up with seeing the same drunk drivers come into her trauma unit time and time again. Almost without exception, these drunk drivers were not held accountable for their actions. Carol was frustrated that while there are laws for reporting serious public health problems such as child and elder abuse, there are none for drunk driving. Carol fought for 5 years to change Oregon's law. This year, after that long battle, she finally won. Carol proves that one person can make a difference. Carol's work will save the lives of Oregonians.

Blood alcohol reporting is nothing new, and has significant, widespread support. Currently, 29 States allow reporting in some fashion. My amendment is supported by Mothers Against Drunk Driving. In fact, a survey from the March 1992 edition of the American College of Emergency Room Physicians' Annals of Emergency Medicine said that 78 percent of emergency room physicians agree with blood alcohol reporting. Local police from my district helped draft this bill, and they say that these blood alcohol levels are often the critical piece of evidence necessary to help hold drunk drivers accountable. We need to encourage all States to examine this issue, and take this important step to give police the information they need to stop emergency rooms from being safe houses for drunk drivers.

Let me briefly state what my bill, H.R. 1982, does not do: It does not change the constitutional protections afforded all Americans regarding non consensual blood withdrawals. It does not require mandatory reporting of blood alcohol levels, although States are free to go further if they wish. It does not turn providers into police because these alcohol levels are obtained in the regular course of providing care. And it does not open health care providers to litigation because it has an immunity clause. But it does seek to solve a huge problem—drunk driving.

My amendment builds on the excellent alcohol provisions of H.R. 2274, and is a first step to promoting the goals of H.R. 1982. It calls for a study to evaluate the effectiveness of reducing drunk driving in States where blood alcohol reporting is permitted. This would be the first study of its kind, and it is my guess that it will be landmark study in the fight against drunk driving.

Importantly, it will mean that we are on the road to keeping 86 percent of drunk drivers slipping through the cracks of our laws. This amendment will mean that more emergency room nurses like Carol Bonnono will be able to help make our streets a safer place.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEILENSON

Mr. BEILENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment

The text of the amendment is a follows:

Amendment offered by Mr. BEILENSON: Page 59, after line 7, insert the following:

(c) GUARANTEE AND WARRANTY CLAUSES.—Section 112 of title 23, United State Code, is amended—

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

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

"(f) GUARANTEE AND WARRANTY CLAUSES.—The Secretary shall, by regulation, permit a State highway department, in accordance with standards developed by the Secretary in such regulations, to include a clause in a contract for the construction of any Federal-aid highway project requiring the contractor to warrant the materials and work performed in accordance with the contractor's obligations and responsibilities under the terms of the contract. The warranty or guarantee clause shall be reasonably related to the materials and work performed and in accordance with the contractor's obligations and responsibilities under the terms of the contract and shall not be construed to require the contractor to perform maintenance.".

(d) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding for developing standards under section 112(f) of title 23, United States Code, as added by subsection (c) of this section.

Mr. BEILENSON. Mr. Chairman, I ask unanimous consent that I be recognized for 10 minutes to speak on behalf of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BEILENSON. Mr. Chairman, I thank my colleagues for granting me the additional 5 minutes.

Mr. Chairman, at the outset, may I say that I am always somewhat amused, perhaps bemused is a better word, by the self-congratulatory oratory surrounding the highway bills we have here on the floor of the House of Representatives, all the accolades that we hear each year for our highway system and how it is the best in the world.

May I respectfully suggest that we stop burying our heads in the sand or perhaps it would be better to say burying our heads in the asphalt.

We may have the biggest highway system in the world. The truth of the matter is it is not the best. Anyone who has ever driven for any length of time on European highways and roads will be astonished at the difference in the quality between their roads and our roads. You can drive for hours in the old cities in the continent of Europe or the highways in the countryside and not experience the kinds of problems you experience here every day and everywhere in the United States.

Why? Because in most European countries they build their roads right in the first place, and so they have many fewer problems than we with maintaining them, and they are not forever repairing and repaving them as we are continually having to do here in the United States.

Mr. Chairman, the amendment that I am offering today proposes to do something about improving the quality of our highways. It would allow, not mandate, but merely allow State highway departments to use guarantee and warranty clauses on Federal aid highway construction contracts. Many Members are familiar with this very modest proposal and the base majority have given it overwhelming support twice during the past 4 years. When the House passed the ISTEA bill in October 1991, an amendment very much like this one passed by a vote of 400 to 26. It was replaced in the final bill by a GAO audit study reviewing the States' experiences with using warranties on highway contracts. This very same amendment, same as today's amendment, was agreed to last year by the House as a part of the national highway systems bill that we passed last year.

At that time, the chairman of the committee, my friend, the gentleman from California [Mr. MINETA], then ranking member and now the distinguished chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman and ranking member of the subcommittee with jurisdiction, the gentleman from West Virginia [Mr. RAHALL], and the gentleman from Wisconsin [Mr. PETRI] all agreed to this identical language.

I think what was good enough for last year's bill designating the national highway system would be good enough for this legislation as well.

As most Members know, Mr. Chairman, Federal highway dollars have traditionally been reserved for construction rather than maintenance, and the Federal Highway Administration has generally prohibited States from requiring any warranties from contractors when awarding federally funded contracts. The rationale for this regulation is warranty might result in Federal participation in maintenance costs which, until recently, has been prohibited. The effect of this policy is we often reward the use of the cheapest, lowest-quality materials on highway construction and prevent States from building quality performance standards into their construction contracts.

Transportation officials have, since 1981, under Mr. Reagan's administration and then again in 1985 under Mr. Bush's administration, sought to change this outdated policy, which Members should know has no statutory mandate. Those officials have contended the introduction of contractor guarantees into the bidding process might spur innovation, superior quality in the use of the kind of advanced technology other countries are already aggressively taking advantage of. Building better-quality roads should be a hallmark of our highway system, and simply giving States permission to hold contractors accountable for their work must be part of our national plan.

In Europe, where highway contracts are awarded on the basis of a combination of costs, quality and a contractor's 3-to-5-year full replacement guarantee, roads traditionally cost somewhat more to construct. They last twice as long as they do here in the United States. Sounder sub-bases, thicker pavements, advanced polymer additives, and stronger asphalt produce highways smoother and quieter and are stubbornly resistant to ruts, cracks, and potholes. European roads can handle heavier loads than permitted on U.S. highways.

Meanwhile, our own strict low-bid system gives contractors no incentive at all to consider long-term performance when preparing their bids. We literally reward the use of the cheapest, lowest-quality materials, and the least expensive labor. We actually penalize any effort to improve road quality or offer superior workmanship. This is an inflexible, unwise, and shortsighted policy that costs taxpayers billions of dollars in unnecessary highway repair bills and results in intolerable traffic delays.

It should come as no surprise to us that while Government expenditures for roads have doubled over the past decade, fully half of all roads in America are rated in fair to poor condition, and as the Office of Technology Assessment reported back in 1991, when construction quality is poor and repairs are needed constantly, the costs of providing alternative service or of traffic diversion and delay can equal the original capital cost, doubling the total expense of the highway project.

As we embark on a multibillion-dollar investment in our Nation's highway system, we owe it to the taxpayers to do everything we can to adopt reforms that will save us money, help make the road construction industry more competitive, stimulate investment, make our transportation infrastructure more durable and efficient.

Mr. Chairman, I am not suggesting that permitting States to demand a guarantee of a minimum quality standard of quality on highway projects would by itself cure our country's infrastructure ills. But Americans should be outraged that in an era of huge budget deficits, when we are cutting back drastically in so many other areas of domestic spending, that we have failed to fulfill our responsibility to see that Federal highway money is well spent.

I would like to bring my colleagues' attention to several recent developments that deal with this specific topic. Five years ago the Federal Highway Administration initiated a special experimental project to evaluate innovative contracting practices such as the use of warranty clauses. Eight State highway departments have taken advantage of this experiment to improve quality and increase contractor accountability. State officials have found the use of warranty requirements valuable and have found that warranted projects are higher quality and helped in getting contractors to repair projects expeditiously.

Second, in September 1994, the GAO issued a report on the use warranties and other ways to improve quality of our Nation's highways as required by ISTEA. That report recommended the Federal Highway Administration encourage States to experiment with and to try warranties and to clarify the regulatory ban on use of warranties if it does not apply to non-Federal projects.

Finally, last month, the Federal Highway Administration issued an interim final rule to permit greater use of warranties on Federal aid highway construction contracts. The main reason for this change from the existing policy is the original rationale for the prohibition no longer exists. ISTEA set up an interstate maintenance funding category for the preventive maintenance activities, which are now eligible for Federal funds. In addition, through its 5 years of experience with warranty clauses under the experimental project, the administration has determined warranties may, indeed, enhance the quality of Federal aid construction projects.

I strongly believe this amendment is important to encourage the use of practices that will improve the quality of our Nation's highways along with concepts such as value engineering, performance-related specifications, and life-cycle cost analysis. The use of warranties will, I believe, help the States more successfully build quality performance standards into their construction contracts.

This amendment fits very neatly into the new congressional leadership's plans for returning power to the States and decentralizing government. If you believe States should have more flexibility, as the majority of the Members on the floor of the House have been

saying all year, then you should favor this amendment.

Finally, Mr. Chairman, my friend over there, the chairman of the committee, having said all of this, Mr. Chairman, I do feel very strongly, as my friend from Pennsylvania and my other friends on the committee know, I feel very strong about this issue. I am, in fact, greatly encouraged by the interim final rule which was recently promulgated by the Federal Highway Administration that would, as the FHWA says in its summary description of the proposed rule, and I quote them here, "would permit a greater use of warranties on Federal aid highway construction projects within prescribed limits."

□ 1715

I commend the FHWA for proposing this change, and I and others encourage them to stick by their guns this time. Similar, although not so far-reaching rules changes have been proposed in the past, only to fail at being adopted because of opposition in most cases because of some within the industry whose interests perhaps would have been threatened, or they thought their interests would have been threatened by these proposed changes.

But I am hopeful, and there is now strong support even among some in the industry itself for these proposed changes. I think that therefore we ought to give the FHWA the chance to take this useful step on their own. Consequently, Mr. Chairman, the gentleman from Pennsylvania [Mr. SHUSTER], my chairman, and my friend here from West Virginia, I ask unanimous consent at this time that I may be permitted to withdraw my amendment.

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

Mr. BEILENSON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I want to make it very clear that it is the gentleman's leadership which has brought about very substantial improvements. We have in this legislation for the new national highway system requirements for life cycle costing and value engineering, thanks to the leadership of the gentleman.

As the gentleman has indicated, Federal highways is issuing a rulemaking or revising the regulations. So we want to continue working with the gentleman, and I salute him for his efforts and for his willingness to withdraw the amendment so that we can try to work things out.

Mr. BEILENSON. Mr. Chairman, I thank the gentleman for his kind comments.

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

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

Mr. RAHALL. Mr. Chairman, I would like to associate myself with the comments of the gentleman from Pennsylvania [Mr. SHUSTER]. There is more than one way to skin a cat, so to speak. The gentleman has certainly been dedicated to this issue and making sure that the public gets more bang out of their buck, so to speak, for money that is spent on highway projects and ensuring the quality of that type of construction.

The Chairman has referred to how we have addressed those concerns in this NHS bill by the technique of value engineering analysis for NHS projects. Also in this bill there is a requirement that States utilize life cycle costing for certain NHS projects. Under this particular technique, all costs are expected to occur over a highway's usable life analyzed rather than just their initial cost.

So we will continue to work with the gentleman from California whose dedication and diligence I commend very highly.

Mr. BEILENSON. Mr. Chairman, reclaiming my time, I would like to thank the gentleman from Pennsylvania and the gentleman from West Virginia for their kind and helpful remarks and for the good work that they have done in this bill, although personally I do not think it goes far enough. In fact, the good things in the bill which are quite true are there, but they do not hold people responsible and accountable the way these guarantees would if we finally could get to them.

Finally, I want to say something to my friends on the committee. if the FHWA fails or is unable to proceed with this very sensible and, I think, overdue reform within the few months, we shall be back with this next year when the ISTEA bill is before us. We will at that time push forward with this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee.

Mr. Chairman, I am sure that the gentleman will agree with me that no transportation safety issue is more important than the safe passage of our children.

Mr. SHUSTER. If the gentlewoman will yield, I certainly do agree.

Mrs. MORELLA. Mr. Chairman, countless children are at risk of serious injuries or death because their parents are unaware that some seatbelt systems are incompatible with child safety seats. Last year more than 700 children under age 4 died in car accidents and 80,000 more were injured. Denver recently set up a safety seat checkpoint. Of the 150 parents who brought in their cars, 148 out of 150 had improperly installed their child safety seat.

I think that tells us that perhaps we need to develop some short-term educational needs that can begin saving lives immediately by increasing proper child restraint use.

Mr. SHUSTER. If the gentlewoman will continue to yield, the gentlewoman, I think, will be pleased to note that section 402 of the safety grant program addresses this issue. Section 402 addresses the guidelines to encourage the proper use of child restraint systems.

Mrs. MORELLA. I appreciate that. However, Mr. Chairman, I feel that more specific measures should be encouraged. I would like to share some recommendations from the blue ribbon panel on child passenger safety established by the National Highway Traffic Safety Administration.

The panel recommends that child passenger safety education programs should be set up in every State. This includes telephone lines for consumers with questions, training for child passenger safety specialists, and one designated staff person in each State highway office that is fully trained in child passenger safety.

The panel also recommends that NHTSA should establish an electronic bulletin board system on child passenger safety to enable information on compatibility problems be shared among State highway safety offices.

Mr. SHUSTER. Mr. Chairman, I agree with the gentlewoman that this is indeed a necessary and worthwhile project. We will very seriously consider these recommendations made by the blue ribbon panel on child safety restraints.

Mrs. MORELLA. I thank the gentleman very much, Mr. Chairman, and I urge my colleagues to support the National Highway System Designation Act.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment, No. 22.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: Page 97, after line 12, add the following:

SEC. 354. PROHIBITION ON PAYMENT OF SAFETY BONUSES.

Amounts in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1996, and non-Federal funds required by law as a condition for the receipt of such amounts, may not be expended for the payment of a safety bonus to a contractor.

Conform the table of contents of the bill accordingly.

Mr. MILLER of California. Mr. Chairman, I introduce this amendment and present it to the body to raise an issue

that I think is of serious concern that has been raised recently in the press in Los Angeles, basically in the Los Angeles Times. That is the payment of safety bonuses to the contractors on the Los Angeles Metro project where we see a situation where already some nearly $3 million has been paid in safety bonuses to contractors on that project. Those contractors are in fact eligible for millions of dollars and more in safety bonuses.

Now, we all agree about trying to achieve a goal of the safe workplace, and it has been a very high priority of mine throughout my congressional career, and I am a strong believer in that. But what upsets me in this situation is that we see safety bonuses being paid and they are paid to contractors whose safety record is not very good at all. In fact, as we know, this subway system has been plagued with a series of problems that not only have been embarrassing but also, tragically, have been dangerous to the workers in that area and, in some cases, even to the surrounding property owners.

I notice in the story that they say, despite the higher than average injury rates on some of the contracts, the agency, in this case the Metropolitan Transit Authority, says that they believe that the project's overall record is no worse, no worse, than any other major project nationwide.

Then why did we pay the bonuses for them if we only got a project that was no worse? The fact is, what we find out in this story is that the people that have received, or the companies and the consortiums that have received, these bonuses, in the case of Tudor Selby, I believe it is, and Perini, received $1.3 million in bonuses. But their comparison of them to the U.S. injury rate, they are 138 percent higher.

Then it goes on to Mass Electric, 113 percent higher, and they have $300,000 in safety bonuses.

My concern is that I do not think that these safety bonuses are all that much related to safety. My concern is sometimes maybe these are used to kind of lubricate the process to keep the job going and cover up for some of the mistakes, or what have you, that are going on, higher than the ordinary course of business decisions that have been made.

I just do not think that when transit dollars are as hard to come by as they are today in this Congress, and we know the demand that this committee has placed on it every year from people who want additional transit dollars, I introduced this amendment because I would like to believe that the committee would take a look at this.

I do not know the right solution. I introduced the amendment as a cutoff of funds, or not a cutoff, but saying you could in the use of Federal dollars, and I am informed that perhaps maybe Federal dollars are not being used, but we know once you combine the pool, money is fungible. And I am just concerned, one, very much so, that we are not buying an incremental value of safety important to the workers on this project; but, secondly, if the local transportation agency, whether it is the Bay Area Rapid Transit district in my area or the Los Angeles district, if they want to engage in this, maybe they ought to do that with their taxpayer or ratepayer dollars. And that should be a local decision.

If they want to think that, they want to spend this kind of money in L.A., that does not appear as a block, to greater safety, then maybe the ratepayers and the local taxpayers ought to be in on that decision. But they should not just be using a pool of money that is supposed to be buying miles of tunnel or miles of track or cars for these systems, and dishing it out in this fashion.

So I do not expect to press this today, but I would just hope that the committee would give some attention to this matter, because I think it goes to the credibility of our authorizing process and it clearly goes to the scarcity of transit dollars.

The CHAIRMAN. The gentleman's time has expired.

(On request of Mr. SHUSTER and by unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

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

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that, while we oppose this amendment today, we commend him for focusing on this. There have been some real violations of this; there have been some serious problems. I want to assure the gentleman that we are instructing our investigative staff to get into this and to work with his staff on this, because we think that these problems should be dealt with.

Now, the problem with the amendment, of course, is it prohibits all of us—and I understand there are some very, very great success stories. BART, I understand, is a success story. WMATA here in Washington is a success story where they have actually reduced costs and improved safety. I salute the gentleman for calling this to our attention, and I assure him that we will focus on it with our investigators and his staff.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for those assurances. I want to say to the gentleman how much I appreciate that, because I know the work load and the demands and the requests that this committee gets from all of the Members of this Congress. I appreciate his response to this amendment.

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

Mr. MILLER of California. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman from California for yielding. I certainly salute him for his ever-constant vigilance of good, sound, public policy. We have just been made aware of this in the last couple of days. To my knowledge, we have not been aware of the problem with these safety bonuses before. As I understand, it has come to the public attention through a Los Angeles Times article this past Sunday.

I understand the gentleman's concern about Los Angeles, and there may or may not be a problem there. As I say, it has just come to our attention. We have not completely gathered all of that information there, and I commend the chairman for what he has said. I know that just recently I have been made aware that there is a safety bonus program in place in the bay area.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, that is correct.

Mr. RAHALL. So, are there any problems there that we do not know about?

Mr. MILLER of California. Not that I know of. I thank the gentleman, and I would just say that I appreciate his comments. I would say that if we are buying incremental safety, if we are buying a value here, we are helping the workers, then maybe this program works. But if we are not doing that, then I think we are perpetrating a fraud on the workers and probably on the taxpayers.

I think that maybe people may be more diligent about it if it came out of their local—out of the fare box, so to speak, or out of their local tax rate, than if they just thought maybe the Federal Government was contributing half to the safety bonus programs. I do not know. That is for the committee, and that is why I am not pressing the amendment, because I do not know that this is a solution. And I do not want to paint every other transit district with the same problems that have been highlighted in this article.

But if the committee would give some attention to this, and the Chairman has been nice enough to ensure that, I appreciate it, and I thank the gentleman for his comments.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1730

AMENDMENT OFFERED BY MR. WARD

Mr. WARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WARD: Strike section 349 of the bill and conform the table of contents accordingly.

Mr. WARD. Mr. Chairman, my amendment would strike the language in this bill which takes the motorcycle-helmet requirement that has been imposed by the Federal Government out of statutory law or out of our statutes. That is to say we have in our current statutes the requirement that States pass a law requiring the wearing of motorcycle helmets within their State or face a loss of Federal dollars.

Mr. Chairman, I firmly and deeply believe that motorcycle helmets save lives, that motorcycle helmets reduce the overall medical expense which is borne by the people of this country in one way or another through increased insurance premiums, through increased health expenditures, or increased local hospital expenditures. In one way or another we pay for the people who choose to ride a motorcycle without a motorcycle helmet.

Mr. Chairman, I move passage of the amendment.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kentucky [Mr. WARD].

Mr. Chairman, I oppose this amendment which would strike from H.R. 2274 the repeal of the helmet penalties.

This year, 25 States lost to safety programs over $51 million in highway funds because they did not have universal helmet laws. If we adopt this amendment and do not repeal the penalties, this year and in the future that amount will double—that means that $100 million in highway construction and maintenance projects will not be able to go forward in these 25 States. I am sure that many of these foregone projects would go a long way toward improving safety.

Many penalized States are particularly frustrated with this loss of funds since many have fatality rates which are actually lower than many States which do have such laws. These States—through motorcycle rider education programs or other types of safety programs—have good motorcycle safety records.

Yet because they have chosen not to adopt the one method prescribed in Washington, these States are losing highway funds. And States with fatality rates far worse are not losing highway funds. This does not make sense.

I also oppose this amendment because I do not believe the Federal Government should be trying to impose its will on the States regarding this issue. Even without these penalties, a State can adopt a universal helmet law if it so chooses, and half of the States have done so. They don't need us telling them what to do.

As the Subcommittee on Surface Transportation has heard repeatedly over the past several years, States do view this as a Federal mandate.

And yet I must question the effectiveness of this mandate. Since ISTEA was enacted in 1991, only one State has passed the required law. This is not a good track record. Finally, I do not believe it is right or fair to try to blame the current problems of Medicaid or other health care problems on motorcycle riders. There are many activities people knowingly do which expose them to some health risk—using drugs, exposure to the sun, dangerous sports, overeating—and yet those people have not been subjected to the kind of rhetoric we hear on this issue.

We should repeal these penalties which take away much needed highway construction funds from fully half of all the States, which do not take into account other safety initiatives of the States, and have not proven to be effective. I urge the House to defeat this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the gentleman's amendment.

The helmet issue is another that is often described as a States' rights issue. Yet again, I must correct the record. When one State repeals its requirement for motorcycle riders to wear helmets, we all pay.

This is true for speed limits, and it is true for helmets.

Up to 80 percent of acute and long-term care is paid for with tax dollars. And helmets are 67 percent effective in preventing brain injury, exactly the type of injury that needs expensive, long-term care.

Most riders who incur these injuries are young people. That means the long-term care for such riders who incur severe injuries can last for 20, 30, or even 40 years. And, in most cases, public sources, such as Medicaid, will be paying the bills.

This body is currently considering reforming the Medicaid Program. If we care about controlling costs, we must care about preventing the lessening the severity of injuries in motorcycle crashes.

The best way to do that is to encourage States to require all riders to wear helmets. Current law does not force States to pass helmet laws. If they choose not to, a small portion of certain highway funds is directed to safety programs.

This is a reasonable approach that over time saves taxpayers millions of dollars.

I urge a "yes" vote on the amendment.

The CHAIRMAN. The question is on amendment offered by the gentleman from Kentucky [Mr. WARD].

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DIAZ-BALART) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, pursuant to House Resolution 224, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 7, not voting 8, as follows:

[Roll No. 679]

YEAS—419

Abercrombie	Brownback	Cubin
Ackerman	Bryant (TN)	Cunningham
Allard	Bryant (TX)	Danner
Andrews	Bunn	Davis
Archer	Bunning	de la Garza
Armey	Burr	Deal
Bachus	Burton	DeFazio
Baesler	Buyer	DeLauro
Baker (CA)	Callahan	DeLay
Baker (LA)	Calvert	Deutsch
Baldacci	Camp	Diaz-Balart
Ballenger	Canady	Dickey
Barcia	Cardin	Dicks
Barr	Castle	Dingell
Barrett (NE)	Chabot	Dixon
Barrett (WI)	Chambliss	Doggett
Bartlett	Chapman	Dooley
Barton	Chenoweth	Doolittle
Bass	Christensen	Dornan
Bateman	Chrysler	Doyle
Becerra	Clay	Dreier
Bentsen	Clayton	Duncan
Bereuter	Clement	Dunn
Berman	Clinger	Durbin
Bevill	Clyburn	Edwards
Bilbray	Coble	Ehlers
Bilirakis	Coburn	Ehrlich
Bishop	Coleman	Emerson
Bliley	Collins (GA)	Engel
Blute	Collins (IL)	English
Boehlert	Collins (MI)	Ensign
Boehner	Combest	Eshoo
Bonilla	Condit	Evans
Bonior	Conyers	Everett
Bono	Cooley	Ewing
Borski	Costello	Farr
Boucher	Cox	Fattah
Brewster	Coyne	Fawell
Browder	Cramer	Fazio
Brown (CA)	Crane	Fields (LA)
Brown (FL)	Crapo	Fields (TX)
Brown (OH)	Cremeans	Filner

Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—7

Beilenson
Dellums
Gibbons
Jacobs
Johnston
Orton
Waters

NOT VOTING—8

Kennedy (MA)
Moakley
Reynolds
Roukema
Sisisky
Taylor (NC)
Tucker
Volkmer

□ 1753

Mr. GIBBONS changed his vote from "yea" to "nay."

Messrs. BACHUS, FATTAH, and FOGLIETTA changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2274, the bill just passed.

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

There was no objection.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 440

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Highway System Designation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. National Highway System designation.
Sec. 102. Eligible projects for the National Highway System.
Sec. 103. Transferability of apportionments.
Sec. 104. Design criteria for the National Highway System.
Sec. 105. Applicability of transportation conformity requirements.
Sec. 106. Use of recycled paving material.
Sec. 107. Limitation on advance construction.
Sec. 108. Preventive maintenance.
Sec. 109. Eligibility of bond and other debt instrument financing for reimbursement as construction expenses.
Sec. 110. Federal share for highways, bridges, and tunnels.
Sec. 111. Applicability of certain requirements to third party sellers.
Sec. 112. Streamlining for transportation enhancement projects.
Sec. 113. Non-Federal share for certain toll bridge projects.
Sec. 114. Congestion mitigation and air quality improvement program.
Sec. 115. Limitation of national maximum speed limit to certain commercial motor vehicles.
Sec. 116. Federal share for bicycle transportation facilities and pedestrian walkways.
Sec. 117. Suspension of management systems.
Sec. 118. Intelligent transportation systems.
Sec. 119. Donations of funds, materials, or services for federally assisted activities.
Sec. 120. Metric conversion of traffic control signs.
Sec. 121. Identification of high priority corridors.
Sec. 122. Revision of authority for innovative project in Florida.
Sec. 123. Revision of authority for priority intermodal project in California.
Sec. 124. National recreational trails funding program.
Sec. 125. Intermodal facility in New York.
Sec. 126. Clarification of eligibility.
Sec. 127. Bristol, Rhode Island, street marking.
Sec. 128. Public use of rest areas.
Sec. 129. Collection of tolls to finance certain environmental projects in Florida.
Sec. 130. Hours of service of drivers of ground water well drilling rigs.
Sec. 131. Rural access projects.
Sec. 132. Inclusion of high priority corridors.
Sec. 133. Sense of the Senate regarding the Federal-State funding relationship for transportation.
Sec. 134. Quality through competition.
Sec. 135. Federal share for economic growth center development highways.
Sec. 136. Vehicle weight and longer combination vehicles exemption for Sioux City, Iowa.
Sec. 137. Revision of authority for congestion relief project in California.
Sec. 138. Applicability of certain vehicle weight limitations in Wisconsin.
Sec. 139. Prohibition on new highway demonstration projects.
Sec. 140. Treatment of Centennial Bridge, Rock Island, Illinois, agreement.
Sec. 141. Moratorium on certain emissions testing requirements.
Sec. 142. Elimination of penalties for noncompliance with motorcycle helmet use requirement.
Sec. 143. Clarification of Eligibility.
Sec. 144. Toll roads, bridges, tunnels, nontoll roads that have a dedicated revenue source, and ferries.
Sec. 145. Transfer of funds between certain demonstration projects in Louisiana.

Sec. 146. Northwest Arkansas regional airport connector.
Sec. 147. Intercity rail infrastructure investment.
Sec. 148. Operation of motor vehicles by intoxicated minors.
Sec. 149. Contingent commitments.
Sec. 150. Availability of certain funds for Boston-to-Portland rail corridor.
Sec. 151. Revision of authority of multiyear contracts.
Sec. 152. Feasibility study of evacuation routes for Louisiana coastal areas.
Sec. 153. 34th Street corridor project in Moorhead, Minnesota.
Sec. 154. Safety belt use law requirements for New Hampshire and Maine.
Sec. 155. Report on accelerated vehicle retirement programs.
Sec. 156. Intercity rail infrastructure investment from Mass Transit Account of Highway Trust Fund.
Sec. 157. Moratorium.

TITLE II—NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Purposes.
Sec. 204. Definitions.
Sec. 205. Establishment of Authority.
Sec. 206. Government of Authority.
Sec. 207. Ownership of Bridge.
Sec. 208. Capital improvements and construction.
Sec. 209. Additional powers and responsibilities of Authority.
Sec. 210. Funding.
Sec. 211. Availability of prior authorizations.

TITLE III—FEDERAL HIGHWAY AND RAILROAD GRADE CROSSING SAFETY

Sec. 301. Short title.
Sec. 302. Intelligent vehicle-highway systems.
Sec. 303. State highway safety management systems.
Sec. 304. Violation of grade-crossing laws and regulations.
Sec. 305. Safety enforcement.
Sec. 306. Crossing elimination; statewide crossing freeze.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

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

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System (as of the date of enactment of this Act) as submitted by the Secretary of Transportation pursuant to this section is designated as the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a route segment in existence on the date of the request and any connection to the route segment;

if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in the subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System.".

(b) ROUTE SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary of Transportation shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with paragraphs (2) and (3) of section 103(c) of title 23, United States Code (as added by subsection (a)).

(2) ROUTE SEGMENTS.—The route segments referred to in paragraph (1) are—

(A) United States Route 191 from Rock Springs to Hoback Junction;

(B) United States Route 16 from Worland to Interstate Route 90; and

(C) Wyoming Route 59 from Douglas to Gillette.

SEC. 102. ELIGIBLE PROJECTS FOR THE NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 103(i) of title 23, United States Code, is amended—

(1) by striking paragraph (8) and inserting the following:

"(8) Capital and operating costs for traffic monitoring, management, and control facilities and programs."; and

(2) by adding at the end the following:

"(14) Construction, reconstruction, resurfacing, restoration, and rehabilitation of, and operational improvements for, public highways connecting the National Highway System to—

"(A) ports, airports, and rail, truck, and other intermodal freight transportation facilities; and

"(B) public transportation facilities.

"(15) Construction of, and operational improvements for, the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California. The Federal share of the cost of the construction and improvements shall be determined in accordance with section 120(b).".

(b) DEFINITION.—Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "start-up costs for traffic management and control" and inserting the following:

"The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control activities, such as integrated traffic control systems, incident management programs, and traffic control centers,".

SEC. 103. TRANSFERABILITY OF APPORTIONMENTS.

The third sentence of section 104(g) of title 23, United States Code, is amended by striking "40 percent" and inserting "60 percent".

SEC. 104. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.

Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

"(1) adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

"(2) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (1) and to conform to the particular needs of each locality.";

(2) by striking subsection (c) and inserting the following:

"(c) DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.—

"(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) shall take into account, in addition to the criteria described in subsection (a)—

"(A) the constructed and natural environment of the area;

"(B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

"(C) as appropriate, access for other modes of transportation.

"(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State highway agencies, shall develop criteria to implement paragraph (1). In developing the criteria, the Secretary shall consider the results of the committee process of the American Association of State Highway and Transportation Officials as adopted and published in 'A Policy on Geometric Design of Highways and Streets', after adequate opportunity for input by interested parties."; and

(3) by striking subsection (q) and inserting the following:

"(q) ENVIRONMENTAL, SCENIC, AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

"(1) allow for the preservation of environmental, scenic, or historic values;

"(2) ensure safe use of the facility; and

"(3) comply with subsection (a).".

SEC. 105. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking "plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended." and inserting the following: "plan for—

"(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

"(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and

that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).".

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

"(5) APPLICABILITY.—This subsection shall apply only with respect to—

"(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

"(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.".

SEC. 106. USE OF RECYCLED PAVING MATERIAL.

(a) IN GENERAL.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 109 note) is amended—

(1) by striking subsection (d) and inserting the following:

"(d) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

"(1) CRUMB RUBBER MODIFIER RESEARCH.—Not later than 180 days after the date of enactment of the National Highway System Designation Act of 1995, the Administrator of the Federal Highway Administration shall develop testing procedures and conduct research to develop performance grade classifications, in accordance with the strategic highway research program carried out under section 307(d) of title 23, United States Code, for crumb rubber modifier binders. The testing procedures and performance grade classifications should be developed in consultation with representatives of the crumb rubber modifier industry and other interested parties (including the asphalt paving industry) with experience in the development of the procedures and classifications.

"(2) CRUMB RUBBER MODIFIER PROGRAM DEVELOPMENT.—

"(A) IN GENERAL.—The Administrator of the Federal Highway Administration shall make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements. Each State may receive not more than $500,000 under this paragraph.

"(B) USE OF GRANT FUNDS.—Grant funds made available to States under this paragraph may be used—

"(i) to develop mix designs for crumb rubber modified asphalt pavements;

"(ii) for the placement and evaluation of crumb rubber modified asphalt pavement field tests; and

"(iii) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available."; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) the term 'asphalt pavement containing recycled rubber' means any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications; and".

(b) FUNDING.—Section 307(e)(13) of title 23, United States Code, is amended by inserting after the second sentence the following: "Of the amounts authorized to be expended under this paragraph, $500,000 shall be expended in fiscal year 1996 to carry out section 1038(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 109 note) and $10,000,000 shall be expended in each of fiscal years 1996 and 1997 to carry out section 1038(d)(2) of the Act.".

SEC. 107. LIMITATION ON ADVANCE CONSTRUCTION.

Section 115(d) of title 23, United States Code, is amended to read as follows:

"(d) REQUIREMENT OF INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.—The Secretary may not approve an application under this section unless the project is included in the transportation improvement program of the State developed under section 135(f).".

SEC. 108. PREVENTIVE MAINTENANCE.

Section 116 of title 23, United States Code, is amended by adding at the end the following:

"(d) PREVENTIVE MAINTENANCE.—A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the life of a Federal-aid highway.".

SEC. 109. ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES.

(a) IN GENERAL.—Section 122 of title 23, United States Code, is amended to read as follows:

"SEC. 122. PAYMENTS TO STATES FOR BOND AND OTHER DEBT INSTRUMENT FINANCING.

"(a) DEFINITION OF ELIGIBLE DEBT FINANCING INSTRUMENT.—In this section, the term 'eligible debt financing instrument' means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State, the proceeds of which are used for an eligible Federal-aid project under this title.

"(b) FEDERAL REIMBURSEMENT.—Subject to subsections (c) and (d), the Secretary may reimburse a State for expenses and costs incurred by the State or a political subdivision of the State, for—

"(1) interest payments under an eligible debt financing instrument;

"(2) the retirement of principal of an eligible debt financing instrument;

"(3) the cost of the issuance of an eligible debt financing instrument;

"(4) the cost of insurance for an eligible debt financing instrument; and

"(5) any other cost incidental to the sale of an eligible debt financing instrument (as determined by the Secretary).

"(c) CONDITIONS ON PAYMENT.—The Secretary may reimburse a State under subsection (b) with respect to a project funded by an eligible debt financing instrument after the State has complied with this title to the extent and in the manner that would be required if payment were to be made under section 121.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project payable under this section shall not exceed the pro-rata basis of payment authorized in section 120.

"(e) STATUTORY CONSTRUCTION.—Notwithstanding any other law, the eligibility of an eligible debt financing instrument for reimbursement under subsection (a) shall not—

"(1) constitute a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest on the eligible debt financing instrument; or

"(2) create any right of a third party against the United States for payment under the eligible debt financing instrument.".

(b) DEFINITION OF CONSTRUCTION.—The first sentence of the undesignated paragraph defining "construction" of section 101(a) of title 23, United States Code, is amended by inserting "bond costs and other costs relating to the issuance of bonds or other debt instrument financing in accordance with section 122," after "highway, including".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 122 and inserting the following:

"122. Payments to States for bond and other debt instrument financing.".

SEC. 110. FEDERAL SHARE FOR HIGHWAYS, BRIDGES, AND TUNNELS.

Section 129(a) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

"(5) LIMITATION ON FEDERAL SHARE.—The Federal share payable for an activity described in paragraph (1) shall be a percentage determined by the State, but not to exceed 80 percent.".

SEC. 111. APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.

Section 133(d) of title 23, United States Code, is amended by adding at the end the following:

"(5) APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of a transportation enhancement activity funded from the allocation required under paragraph (2), if real property or an interest in real property is to be acquired from a qualified organization exclusively for conservation purposes (as determined under section 170(h) of the Internal Revenue Code of 1986), the organization shall be considered to be the owner of the property for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"(B) FEDERAL APPROVAL PRIOR TO INVOLVEMENT OF QUALIFIED ORGANIZATION.—If Federal approval of the acquisition of the real property or interest predates the involvement of a qualified organization described in subparagraph (A) in the acquisition of the property, the organization shall be considered to be an acquiring agency or person as described in section 24.101(a)(2) of title 49, Code of Federal Regulations, for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"(C) ACQUISITIONS ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—If a qualified organization described in subparagraph (A) has contracted with a State highway administration or other recipient of Federal funds to acquire the real property or interest on behalf of the recipient, the organization shall be considered to be an agent of the recipient for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).".

SEC. 112. STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS.

Section 133(e) of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "(3) PAYMENTS.—The" and inserting the following:

"(3) PAYMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—

"(i) IN GENERAL.—The Secretary may advance funds to the State for transportation

enhancement activities funded from the allocation required by subsection (d)(2) for a fiscal year if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities.

"(ii) LIMITATION ON AMOUNTS.—Amounts advanced under this subparagraph shall be limited to such amounts as are necessary to make prompt payments for project costs.

"(iii) EFFECT ON OTHER REQUIREMENTS.—This subparagraph shall not exempt a State from other requirements of this title relating to the surface transportation program."; and

(2) by adding at the end the following:

"(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

"(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection (d)(2).

"(B) NATIONWIDE PROGRAMMATIC AGREEMENT.—The Administrator of the Federal Highway Administration, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection (d)(2), in accordance with—

"(i) section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

"(ii) the regulations of the Advisory Council on Historic Preservation.".

SEC. 113. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(1) of title 23, United States Code, is amended by adding at the end the following: "Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.".

SEC. 114. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting "for areas in the State that were designated as nonattainment areas under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d))" after "may obligate funds"; and

(B) in paragraph (1)(A)—

(i) by striking "contribute to the" and inserting the following: "contribute to—

"(i) the"; and

(ii) by adding at the end the following:

"(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or".

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

(A) in the second sentence, by striking "is a nonattainment area (as defined in the Clean Air Act) for ozone" and inserting "was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994"; and

(B) in the third sentence—

(i) by striking "is also" and inserting "was also"; and

(ii) by inserting "during any part of fiscal year 1994" after "monoxide".

(3) ORANGE STREET BRIDGE, MISSOULA, MONTANA.—Notwithstanding section 149 of title 23, United States Code, or any other law, a project to construct new capacity for the Orange Street Bridge in Missoula, Montana, shall be eligible for funding under the congestion mitigation and air quality improvement program established under the section.

(b) REMOVAL OF CERTAIN FUNDING LIMITATIONS.—Section 149(b)(1)(A) of title 23, United States Code, is amended by striking "(other than clauses (xii) and (xvi) of such section), that the project or program" and inserting ", that the publicly sponsored project or program".

(c) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other law, for each of fiscal years 1996 and 1997, any limitation under this section or an amendment made by this section on an apportionment otherwise authorized under section 1003(a)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1919) shall not affect any hold harmless apportionment adjustment under section 1015(a) of the Act (Public Law 102-240; 105 Stat. 1943).

(d) TRAFFIC MONITORING, MANAGEMENT, AND CONTROL FACILITIES AND PROGRAMS.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard.".

SEC. 115. LIMITATION OF NATIONAL MAXIMUM SPEED LIMIT TO CERTAIN COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. National maximum speed limit for certain commercial motor vehicles";

(2) in subsection (a)—

(A) by inserting ", with respect to motor vehicles" before "(1)"; and

(B) in paragraph (4), by striking "motor vehicles using it" and inserting "vehicles driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) using it";

(3) by striking subsection (b) and inserting the following:

"(b) MOTOR VEHICLE.—In this section, the term 'motor vehicle' has the meaning provided for 'commercial motor vehicle' in section 31301(4) of title 49, United States Code, except that the term does not include any vehicle operated exclusively on a rail or rails.";

(4) in the first sentence of subsection (e), by striking "all vehicles" and inserting "all motor vehicles"; and

(5) by redesignating subsection (i) as subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. National maximum speed limit for certain commercial motor vehicles.".

(2) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

(3) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

(4) Section 410(i)(3) of title 23, United States Code, is amended to read as follows:

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

SEC. 116. FEDERAL SHARE FOR BICYCLE TRANSPORTATION FACILITIES AND PEDESTRIAN WALKWAYS.

Section 217(f) of title 23, United States Code, is amended by striking "80 percent" and inserting "determined in accordance with section 120(b)".

SEC. 117. SUSPENSION OF MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) STATE ELECTION.—A State may, at the option of the State, elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election."; and

(2) in subsection (f)—

(A) by striking "(f) ANNUAL REPORT.—Not" and inserting the following:

"(f) REPORTS.—

"(1) ANNUAL REPORTS.—Not"; and

(B) by adding at the end the following:

"(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Secretary, in consultation with States, shall transmit to Congress a report on the management systems required under this section that makes recommendations as to whether, to what extent, and how the management systems should be implemented.".

SEC. 118. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) IMPROVED COLLABORATION IN INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 6054 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 307 note) is amended by adding at the end the following:

"(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.".

(b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.—Section 6058 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 307 note) is amended by adding at the end the following:

"(f) OBLIGATION OF FUNDS.—

"(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) after the date of enactment of this subsection, and other funds made available after that date to carry out specific intelligent transportation systems projects, shall be obligated not later than the last day of the fiscal year following the fiscal year with respect to which the funds are made available.

"(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other activity with respect to which funds may be made available under subsection (a) or (b).".

(c) CONFORMING AMENDMENTS.—

(1) The table in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2048) is amended—

(A) in item 10, by striking "(IVHS)" and inserting "(ITS)"; and

(B) in item 29, by striking "intelligent/vehicle highway systems" and inserting "intelligent transportation systems".

(2) Section 6009(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2176) is amended by striking "intelligent vehicle highway systems" and inserting "intelligent transportation systems".

(3) Part B of title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 307 note) is amended—

(A) by striking the part heading and inserting the following:

"PART B—INTELLIGENT TRANSPORTATION SYSTEMS";

(B) in section 6051, by striking "Intelligent Vehicle-Highway Systems" and inserting "Intelligent Transportation Systems";

(C) by striking "intelligent vehicle-highway systems" each place it appears and inserting "intelligent transportation systems";

(D) in section 6054—

(i) in subsection (a)(2)(A), by striking "intelligent vehicle-highway" and inserting "intelligent transportation systems"; and

(ii) in the subsection heading of subsection (b), by striking "INTELLIGENT VEHICLE-HIGHWAY SYSTEMS" and inserting "INTELLIGENT TRANSPORTATION SYSTEMS";

(E) in the subsection heading of section 6056(a), by striking "IVHS" and inserting "ITS";

(F) in the subsection heading of each of subsections (a) and (b) of section 6058, by striking "IVHS" and inserting "ITS"; and

(G) in the paragraph heading of section 6059(1), by striking "IVHS" and inserting "ITS".

(4) Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331; 23 U.S.C. 104 note), is amended by striking "intelligent vehicle highway systems" and inserting "intelligent transportation systems".

(5) Section 109(a) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311; 23 U.S.C. 307 note) is amended—

(A) by striking "Intelligent Vehicle-Highway Systems" each place it appears and inserting "Intelligent Transportation Systems"; and

(B) by striking "intelligent vehicle-highway system" and inserting "intelligent transportation system".

(6) Section 5316(d) of title 49, United States Code, is amended—

(A) in the subsection heading, by striking "INTELLIGENT VEHICLE-HIGHWAY" and inserting "INTELLIGENT TRANSPORTATION"; and

(B) by striking "intelligent vehicle-highway" each place it appears and inserting "intelligent transportation".

SEC. 119. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED ACTIVITIES.

Section 323 of title 23, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with an activity eligible for Federal assistance under this title. In the case of such an activity with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the activity by the State highway agency shall be credited against the State share.".

SEC. 120. METRIC CONVERSION OF TRAFFIC CONTROL SIGNS.

(a) Notwithstanding section 3(2) of the Metric Conversion Act of 1975 (15 U.S.C. 205b(2)) or any other law, no State shall be required to—

(1) erect any highway sign that establishes any speed limit, distance, or other measurement using the metric system; or

(2) modify any highway sign that establishes any speed limit, distance, or other measurement so that the sign uses the metric system.

(b) Upon receipt of a written notification by a State, referring to its right to provide notification under this subsection, the Secretary of Transportation shall waive, with respect to such State, any requirement that such State use or plan to use the metric system with respect to designing, preparing plans, specifications and estimates, advertising, or taking any other action with respect to Federal-aid highway projects or activities utilizing funds authorized pursuant to title 23, United States Code. Such waiver shall remain effective for the State until the State notifies the Secretary to the contrary: *Provided*, That a waiver granted by the Secretary will be in effect until September 30, 2000.

SEC. 121. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240; 105 Stat. 2032) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5)(A) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan.

"(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

"(I) United States Route 220 from the Virginia-North Carolina border to I-581 south of Roanoke;

"(II) I-581 to I-81 in the vicinity of Roanoke;

"(III) I-81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

"(IV) United States Route 460 to the West Virginia State line.

"(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

"(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

"(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

"(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

"(I) in the case of I-73—

"(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

"(bb) State Route 68 to I-40;

"(cc) I-40 to United States Route 220 in Greensboro;

"(dd) United States Route 220 to United States Route 1 near Rockingham;

"(ee) United States Route 1 to the South Carolina State line; and

"(ff) South Carolina State line to Charleston, South Carolina; and

"(II) in the case of I-74—

"(aa) I-77 from Bluefield, West Virginia, to the junction of I-77 and the United States Route 52 connector in Surry County, North Carolina;

"(bb) the I-77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

"(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

"(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

"(ee) United States Route 220 to United States Route 74 near Rockingham;

"(ff) United States Route 74 to United States Route 76 near Whiteville;

"(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

"(hh) South Carolina State line to Charleston, South Carolina.

"(iv) Each route segment referred to in clause (i), (ii), or (iii) that is not a part of the Interstate System shall be designated as a route included in the Interstate System, at such time as the Secretary determines that the route segment—

"(I) meets Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

"(II) meets the criteria for designation pursuant to section 139 of title 23, United States Code, except that the determination shall be made without regard to whether the route segment is a logical addition or connection to the Interstate System.";

(2) in paragraph (18)—

(A) by striking "and"; and

(B) by inserting before the period at the end the following: ", and to the Lower Rio Grande Valley at the border between the United States and Mexico"; and

(3) by adding at the end the following:

"(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

"(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.

"(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

"(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.".

SEC. 122. REVISION OF AUTHORITY FOR INNOVATIVE PROJECT IN FLORIDA.

Item 196 of the table in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2058) is amended—

(1) by striking "Orlando,"; and

(2) by striking "Land & right-of-way acquisition & guideway construction for magnetic limitation project" and inserting "1 or more regionally significant, intercity ground transportation projects".

SEC. 123. REVISION OF AUTHORITY FOR PRIORITY INTERMODAL PROJECT IN CALIFORNIA.

Item 31 of the table in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2062) is amended by striking "To improve ground access from Sepulveda Blvd. to Los Angeles, California" and inserting the following: "For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000".

SEC. 124. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) CONTRACT AUTHORITY.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is amended—

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

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

"(g) CONTRACT AUTHORITY.—Funds authorized to be appropriated under this section shall be available for obligation in the manner as if the funds were apportioned under title 23, United States Code, except that the Federal share of any project under this section shall be determined in accordance with this section.

"(h) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be 50 percent.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is amended—

(A) by striking subsection (c) and inserting the following:

"(c) STATE ELIGIBILITY.—A State shall be eligible to receive moneys under this part if—

"(1) the Governor of the State has designated the State agency responsible for administering allocations under this section;

"(2) the State proposes to obligate and ultimately obligates any allocations received in accordance with subsection (e); and

"(3) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists in the State.";

(B) in subsection (d), by striking paragraph (3);

(C) in subsection (e)—

(i) in paragraphs (3)(A), (5)(B), and (8)(B), by striking "(c)(2)(A) of this section" and inserting "(c)(3)"; and

(ii) in paragraph (5)(A)(i), by striking "(g)(5)" and inserting "(i)(5)"; and

(D) in subsection (i) (as redesignated by subsection (a)(1)), by striking paragraph (1) and inserting the following:

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State (as defined in section 101 of title 23, United States Code) that meets the requirements of subsection (c).".

(2) Section 104 of title 23, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following:

"(h) NATIONAL RECREATIONAL TRAILS FUNDING.—The Secretary shall expend, from administrative funds deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997.".

SEC. 125. INTERMODAL FACILITY IN NEW YORK.

(a) IN GENERAL.—The Secretary of Transportation shall make grants to the National Railroad Passenger Corporation for—

(1) engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center; and

(2) necessary improvements to and redevelopment of Pennsylvania Station and associated service buildings in New York, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $69,500,000 for fiscal years following fiscal year 1995, to remain available until expended.

SEC. 126. CLARIFICATION OF ELIGIBILITY.

The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Davisville, Rhode Island, that are necessary to support the rail movement of freight shall be eligible for funding under sections 103(e)(4), 104(b), and 144 of title 23, United States Code.

SEC. 127. BRISTOL, RHODE ISLAND, STREET MARKING.

Notwithstanding any other law, a red, white, and blue center line in the Main Street of Bristol, Rhode Island, shall be deemed to comply with the requirements of section 3B-1 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 128. PUBLIC USE OF REST AREAS.

Notwithstanding section 111 of title 23, United States Code, or any project agreement under the section, the Secretary of Transportation shall permit the conversion of any safety rest area adjacent to Interstate Route 95 within the State of Rhode Island that was closed as of May 1, 1995, to use as a motor vehicle emissions testing facility. At the option of the State, vehicles shall be permitted to gain access to and from any such testing facility directly from Interstate Route 95.

SEC. 129. COLLECTION OF TOLLS TO FINANCE CERTAIN ENVIRONMENTAL PROJECTS IN FLORIDA.

Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary of Transportation shall modify the agreement entered into with the transportation department of the State and described in section 129(a)(3) of the title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

SEC. 130. HOURS OF SERVICE OF DRIVERS OF GROUND WATER WELL DRILLING RIGS.

(a) DEFINITIONS.—In this section:

(1) 8 CONSECUTIVE DAYS.—The term "8 consecutive days" means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term "24-hour period" means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term "ground water well drilling rig" means any vehicle, machine, tractor, trailer, semitrailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(b) GENERAL RULE.—In the case of a driver of a commercial motor vehicle subject to regulations prescribed by the Secretary of Transportation under sections 31136 and 31502 of title 49, United States Code, who is used primarily in the transportation and operation of a ground water well drilling rig, for the purpose of the regulations, any period of 8 consecutive days may end with the beginning of an off-duty period of 24 or more consecutive hours.

(c) REPORT.—The Secretary of Transportation shall monitor the commercial motor vehicle safety performance of drivers of ground water well drilling rigs. If the Secretary determines that public safety has been adversely affected by the general rule established by subsection (b), the Secretary shall report to Congress on the determination.

SEC. 131. RURAL ACCESS PROJECTS.

Item 111 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2042) is amended—

(1) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(2) by striking "to four-lane" and inserting "in Tarrant County to freeway standards and in Parker County to a 4-lane".

SEC. 132. INCLUSION OF HIGH PRIORITY CORRIDORS.

Section 1105(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240; 105 Stat. 2033) is amended by adding at the end the following: "The Secretary of Transportation shall include High Priority Corridor 18 as identified in section 1105(c) of this Act, as amended, on the approved National Highway System after completion of the feasibility study by the States as provided by such Act.".

SEC. 133. SENSE OF THE SENATE REGARDING THE FEDERAL-STATE FUNDING RELATIONSHIP FOR TRANSPORTATION.

(a) FINDINGS.—

(1) The designation of high priority roads through the National Highway System is required by the Intermodal Surface Transportation Efficiency Act (ISTEA) and will ensure the continuation of funding which would otherwise be withheld from the States.

(2) The Budget Resolution supported the re-evaluation of all Federal programs to determine which programs are more appropriately a responsibility of the States.

(3) Debate on the appropriate role of the Federal Government in transportation will occur in the re-authorization of ISTEA.

(b) SENSE OF SENATE.—Therefore, it is the sense of the Senate that the designation of the NHS does not assume the continuation or the elimination of the current Federal-State relationship nor preclude a re-evaluation of the Federal-State relationship in transportation.

SEC. 134. QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

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

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

"(E) EFFECTIVE DATE/STATE OPTION.—Subparagraphs (C) and (D) shall take effect upon the date of enactment of this Act: *Provided however*, That if a State, during the first regular session of the State legislature convening after the date of enactment of this Act, adopts by statute an alternative process intended to promote engineering and design quality, reduce life-cycle costs, and ensure maximum competition by professional companies of all sizes providing engineering and design services. Such subparagraphs shall not apply in that State.".

SEC. 135. FEDERAL SHARE FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) (as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388; 106 Stat. 1565)) is amended—

(1) in paragraph (2), by striking "and" at the end and inserting "or"; and

(2) in paragraph (3), by striking "section 143 of title 23" and inserting "a project for the construction, reconstruction, or improvement of a development highway on a Federal-aid system, as described in section 103 of such title (as in effect on the day before the date of enactment of this Act) (other than the Interstate System), under section 143 of such title".

SEC. 136. VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTION FOR SIOUX CITY, IOWA.

(a) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking "except for those" and inserting the following: "except for vehicles using Interstate 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for".

(b) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of title 23, United States Code, is amended by adding at the end the following:

"(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State of Iowa may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and Interstate 129 between Sioux City, Iowa, and the border between Iowa and Nebraska.".

SEC. 137. REVISION OF AUTHORITY FOR CONGESTION RELIEF PROJECT IN CALIFORNIA.

Item 1 of the table in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2029) is amended by striking "Construction of HOV Lanes on I-710" and inserting "Construction of automobile and truck separation lanes at the southern terminus of I-710".

SEC. 138. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.".

SEC. 139. PROHIBITION ON NEW HIGHWAY DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Notwithstanding any other law, neither the Secretary of Transportation nor any other officer or employee of the United States may make funds available for obligation to carry out any demonstration project described in subsection (b) that has not been authorized, or for which no funds have been made available, as of the date of enactment of this Act.

(b) PROJECTS.—Subsection (a) applies to a demonstration project or program that the Secretary of Transportation determines—

(1)(A) concerns a State-specific highway project or research or development in a specific State; or

(B) is otherwise comparable to a demonstration project or project of national significance authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2027); and

(2) does not concern a federally owned highway.

SEC. 140. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

SEC. 141. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 142. ELIMINATION OF PENALTIES FOR NONCOMPLIANCE WITH MOTORCYCLE HELMET USE REQUIREMENT.

Section 153(h) of title 23, United States Code, is amended by striking "a law described in subsection (a)(1) and" each place it appears.

SEC. 143. CLARIFICATION OF ELIGIBILITY.

The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight, shall be eligible for funding under sections 130, 144, and 149 of title 23, United States Code.

SEC. 144. TOLL ROADS, BRIDGES, TUNNELS, NONTOLL ROADS THAT HAVE A DEDICATED REVENUE SOURCE, AND FERRIES.

Section 129 of title 23, United States Code, is amended—

(1) by revising the title to read as follows:

"§ 129. Toll roads, bridges, tunnels, non-toll roads that have a dedicated revenue source, and ferries"; and

(2) by revising paragraph 129(a)(7) to read as follows:

"(7) LOANS.—

"(A) IN GENERAL.—A State may loan an amount equal to all or part of the Federal share of a toll project or a non-toll project that has a dedicated revenue source, specifically dedicated to such project or projects under this section, to a public entity constructing or proposing to construct a toll facility or non-toll facility with a dedicated revenue source. Dedicated revenue sources for non-toll facilities include: excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, or such other dedicated revenue source as the Secretary deems appropriate.".

SEC. 145. TRANSFER OF FUNDS BETWEEN CERTAIN DEMONSTRATION PROJECTS IN LOUISIANA.

Notwithstanding any other law, the funds available for obligation to carry out the project in West Calcasieu Parish, Louisiana, authorized by section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 194) shall be made available for obligation to carry out the project for Lake Charles, Louisiana, authorized by item 17 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2038).

SEC. 146. NORTHWEST ARKANSAS REGIONAL AIRPORT CONNECTOR.

Notwithstanding any other provision of law, the Federal share for the intermodal connecter to the Northwest Arkansas Regional Airport from U.S. Highway 71 in Arkansas shall be 95 percent.

SEC. 147. INTERCITY RAIL INFRASTRUCTURE INVESTMENT.

(a) INTERSTATE RAIL COMPACTS.—

(1) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(A) retaining an existing service or commencing a new service;

(B) assembling rights-of-way; and

(C) performing capital improvements, including—

(i) the construction and rehabilitation of maintenance facilities;

(ii) the purchase of locomotives; and

(iii) operational improvements, including communications, signals, and other systems.

(2) FINANCING.—An interstate compact established by States under paragraph (1) may provide that, in order to carry out the compact, the States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(C) on such terms and conditions as the States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law.

(b) ELIGIBILITY OF PASSENGER RAIL AS SURFACE TRANSPORTATION PROGRAM PROJECT.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting ", railroads," after "highways)";

(2) in paragraph (2)—

(A) by inserting ", all eligible activities under section 5311 of title 49, United States Code," before "and publicly owned";

(B) by inserting "or rail passenger" after "intercity bus"; and

(C) by inserting before the period at the end the following: ", including terminals and facilities owned by the National Railroad Passenger Corporation"; and

(3) in paragraph (6), by inserting ", and for passenger rail services," after "programs".

(c) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.".

SEC. 148. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

Section 158(a) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—

"(A) FISCAL YEAR 1998.—If the condition described in subparagraph (C) exists in a State as of October 1, 1998, the Secretary shall withhold, on October 1, 1998, 5 percent of the amount required to be apportioned to the State under each of paragraphs (1), (2), (5), and (6) of section 104(b) for fiscal year 1998.

"(B) FISCAL YEARS THEREAFTER.—If the condition described in subparagraph (C) exists in a State as of October 1, 1999, or any October 1 thereafter, the Secretary shall withhold, on that October 1, 10 percent of the amount required to be apportioned to the State under each of paragraphs (1), (2), (5), and (6) of section 104(b) for the fiscal year beginning on that October 1.

"(C) CONDITION.—The condition referred to in subparagraphs (A) and (B) is that an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater when operating a motor vehicle in the State is not considered to be driving while intoxicated or driving under the influence of alcohol."; and

(2) in paragraph (2), by striking "AFTER THE FIRST YEAR" and inserting "PURCHASE AND POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS".

SEC. 149. CONTINGENT COMMITMENTS.

At the end of section 5309(g)(4) of title 49, United States Code, add the following new sentence: "The Secretary may enter future obligations in excess of 50 percent of said uncommitted cash balance for the purpose of contingent commitments for projects authorized under section 3032 of Public Law 102–240.".

SEC. 150. AVAILABILITY OF CERTAIN FUNDS FOR BOSTON-TO-PORTLAND RAIL CORRIDOR.

Section 5309 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(p) BOSTON-TO-PORTLAND RAIL CORRIDOR.—Notwithstanding any other provision of law, up to $3,600,000 of the funds made available under this section for the rail corridor between Boston, Massachusetts and Portland, Maine may be used to pay for operating costs arising in connection with such rail corridor under section 5333(b).".

SEC. 151. REVISION OF AUTHORITY OF MULTIYEAR CONTRACTS.

Section 3035(ww) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2136) is amended by adding at the end the following: "Of the funds provided by this subsection, $100,000,000 is authorized to be appropriated for regionally significant ground transportation projects in the State of Hawaii.".

SEC. 152. FEASIBILITY STUDY OF EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.

Notwithstanding any other provisions of law, section 1105(e)(2) of Public Law 102–240 is amended by adding at the end the following new sentence: "A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.".

SEC. 153. 34TH STREET CORRIDOR PROJECT IN MOORHEAD, MINNESOTA.

Section 149(a)(5)(A) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 181) is amended—

(1) in clause (i), by striking "and" at the end; and

(2) by inserting "and (iii) a safety overpass," after "interchange,".

SEC. 154. SAFETY BELT USE LAW REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE.

The State of New Hampshire and the State of Maine shall be deemed as having met the safety belt use law requirements of section 153 of title 23, United States Code, upon certification by the Secretary of Transportation that the State has achieved—

(1) a safety belt use rate in each of fiscal years ending September 30, 1995 and September 30, 1996, of not less than 50 percent; and

(2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary of Transportation.

SEC. 155. REPORT ON ACCELERATED VEHICLE RETIREMENT PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report evaluating the effectiveness of all accelerated vehicle retirement programs described in section 108(f)(1)(A)(xvi) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)(xvi)) in existence on the date of enactment of this Act. The report shall evaluate—

(1) the certainties of emissions reductions gained from each program;

(2) the variability of emissions of retired vehicles;

(3) the reduction in the number of vehicle miles traveled by the vehicles retired as a result of each program;

(4) the subsequent actions of vehicle owners participating in each program concerning the purchase of a new or used vehicle or the use of such a vehicle;

(5) the length of the credit given to a purchaser of a retired vehicle under each program;

(6) equity impacts of the programs on the used car market for buyers and sellers; and

(7) such other factors as the Administrator determines appropriate.

SEC. 156. INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(m) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of date of enactment of this Act from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

SEC. 157. MORATORIUM.

(a) IN GENERAL.—Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to Revised Statutes 2477 (43 U.S.C. 932), as such law was in effect prior to October 21, 1976.

(b) SUNSET.—This section shall cease to have any force or effect after December 1, 1995.

TITLE II—NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY

SEC. 201. SHORT TITLE.

This title may be cited as the "National Capital Region Interstate Transportation Authority Act of 1995".

SEC. 202. FINDINGS.

Congress finds that—

(1) traffic congestion imposes serious economic burdens on the metropolitan Washington, D.C., area, costing each commuter an estimated $1,000 per year;

(2) the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70 percent between 1990 and 2020;

(3) the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion;

(4) the Bridge serves as a vital link in the Interstate System and in the Northeast corridor;

(5) identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area;

(6) the Bridge is—

(A) the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System;

(B) the only segment of the Capital Beltway with only 6 lanes; and

(C) the only segment of the Capital Beltway with a remaining expected life of less than 10 years;

(7) the Bridge is the only part of the Interstate System owned by the Federal Government;

(8)(A) the Bridge was constructed by the Federal Government;

(B) prior to the date of enactment of this Act, the Federal Government has contributed 100 percent of the cost of building and rehabilitating the Bridge; and

(C) the Federal Government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and reconstruction of the Bridge;

(9) the Woodrow Wilson Bridge Coordination Committee, established by the Federal Highway Administration and comprised of representatives of Federal, State, and local governments, is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws;

(10) the transfer of ownership of the Bridge to a regional entity under the terms and conditions described in this title would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge;

(11) any material change to the Bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

(12) a commission of congressional, State, and local officials and transportation representatives has recommended to the Secretary of Transportation that the Bridge be transferred to an independent authority to be established by the Capital Region jurisdictions.

SEC. 203. PURPOSES.

The purposes of this title are—

(1) to grant consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to establish the National Capital Region Interstate Transportation Authority; and

(2) to authorize the transfer of ownership of the Bridge to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River.

SEC. 204. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term "Authority" means the National Capital Region Interstate Transportation Authority authorized by this title and by similar enactment by each of the Capital Region jurisdictions.

(2) AUTHORITY FACILITY.—The term "Authority facility" means—

(A) the Bridge (as in existence on the date of enactment of this Act);

(B) any southern Capital Beltway crossing of the Potomac River constructed in the vicinity of the Bridge after the date of enactment of this Act; or

(C) any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, franchise, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility necessary or desirable in connection with or incidental to a facility described in subparagraph (A) or (B).

(3) BOARD.—The term "Board" means the board of directors of the Authority established under section 206.

(4) BRIDGE.—The term "Bridge" means the Woodrow Wilson Memorial Bridge across the Potomac River.

(5) CAPITAL REGION JURISDICTION.—The term "Capital Region jurisdiction" means—

(A) the Commonwealth of Virginia;

(B) the State of Maryland; or

(C) the District of Columbia.

(6) INTERSTATE SYSTEM.—The term "Interstate System" means the Dwight D. Eisenhower National System of Interstate and Defense Highways designated under section 103(e) of title 23, United States Code.

(7) NATIONAL CAPITAL REGION.—The term "National Capital Region" means the region consisting of the metropolitan areas of—

(A)(i) the cities of Alexandria, Fairfax, and Falls Church, Virginia; and

(ii) the counties of Arlington and Fairfax, Virginia, and the political subdivisions of the Commonwealth of Virginia located in the counties;

(B) the counties of Montgomery and Prince Georges, Maryland, and the political subdivisions of the State of Maryland located in the counties; and

(C) the District of Columbia.

(8) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 205. ESTABLISHMENT OF AUTHORITY.

(a) CONSENT TO AGREEMENT.—Congress grants consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into an interstate agreement or compact to establish the National Capital Region Interstate Transportation Authority in accordance with this title.

(b) ESTABLISHMENT OF AUTHORITY.—

(1) IN GENERAL.—On execution of the interstate agreement or compact described in subsection (a), the Authority shall be considered to be established.

(2) GENERAL POWERS.—The Authority shall be a body corporate and politic, independent of all other bodies and jurisdictions, having the powers and jurisdiction described in this title and such additional powers as are conferred on the Authority by the Capital Region jurisdictions, to the extent that the additional powers are consistent with this title.

SEC. 206. GOVERNMENT OF AUTHORITY.

(a) IN GENERAL.—The Authority shall be governed in accordance with this section and with the terms of any interstate agreement or compact relating to the Authority that is consistent with this title.

(b) BOARD.—The Authority shall be governed by a board of directors consisting of 12 members appointed by the Capital Region jurisdictions and 1 member appointed by the Secretary.

(c) QUALIFICATIONS.—One member of the Board shall have an appropriate background in finance, construction lending, or infrastructure policy.

(d) CHAIRPERSON.—The chairperson of the Board shall be elected biennially by the members of the Board.

(e) SECRETARY AND TREASURER.—The Board may—

(1) biennially elect a secretary and a treasurer, or a secretary-treasurer, without regard to whether the individual is a member of the Board; and

(2) prescribe the powers and duties of the secretary and treasurer, or the secretary-treasurer.

(f) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Board shall serve for a 6-year term, and shall continue to serve until the successor of the member has been appointed in accordance with this subsection.

(2) INITIAL APPOINTMENTS.—

(A) BY CAPITAL REGION JURISDICTIONS.—Members initially appointed to the Board by a Capital Region jurisdiction shall be appointed for the following terms:

(i) 1 member shall be appointed for a 6-year term.

(ii) 1 member shall be appointed for a 4-year term.

(iii) 2 members shall each be appointed for a 2-year term.

(B) BY SECRETARY.—The member of the Board appointed by the Secretary shall be appointed for a 6-year term.

(3) FAILURE TO APPOINT.—The failure of a Capital Region jurisdiction to appoint 1 or more members of the Board, as provided in this subsection, shall not impair the establishment of the Authority if the condition of the establishment described in section 205(b)(1) has been met.

(4) VACANCIES.—Subject to paragraph (5), a person appointed to fill a vacancy on the Board shall serve for the unexpired term.

(5) REAPPOINTMENTS.—A member of the Board shall be eligible for reappointment for 1 additional term.

(6) PERSONAL LIABILITY OF MEMBERS.—A member of the Board, including any nonvoting member, shall not be personally liable for—

(A) any action taken in the capacity of the member as a member of the Board; or

(B) any note, bond, or other financial obligation of the Authority.

(7) QUORUM.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of carrying out the business of the Authority, 7 members of the Board shall constitute a quorum.

(B) APPROVAL OF BOND ISSUES AND BUDGET.—Eight affirmative votes of the members of the Board shall be required to approve bond issues and the annual budget of the Authority.

(8) COMPENSATION.—A member of the Board shall serve without compensation and shall reside within a Capital Region jurisdiction.

(9) EXPENSES.—A member of the Board shall be entitled to reimbursement for the expenses of the member incurred in attending a meeting of the Board or while otherwise engaged in carrying out the duties of the Board.

SEC. 207. OWNERSHIP OF BRIDGE.

(a) CONVEYANCE BY SECRETARY.—

(1) IN GENERAL.—After the Capital Region jurisdictions enter into the agreement described in subsection (c), the Secretary shall convey all right, title, and interest of the Department of Transportation in and to the Bridge to the Authority. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge, and all duties and responsibilities associated with the Bridge.

(2) INTERIM RESPONSIBILITIES.—Until such time as a new crossing of the Potomac River described in section 208 is constructed and operational, the conveyance under paragraph (1) shall in no way—

(A) relieve the Capital Region jurisdictions of the sole and exclusive responsibility to maintain and operate the Bridge; or

(B) relieve the Secretary of the responsibility to rehabilitate the Bridge or to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other requirements applicable with respect to the Bridge.

(b) CONVEYANCE BY THE SECRETARY OF THE INTERIOR.—At the same time as the conveyance of the Bridge by the Secretary under subsection (a), the Secretary of the Interior shall transfer to the Authority all right, title, and interest of the Department of the Interior in and to such land under or adjacent to the Bridge as is necessary to carry out section 208. Upon conveyance by the Secretary of the Interior, the Authority shall accept the right, title, and interest in and to the land.

(c) AGREEMENT.—The agreement referred to in subsection (a) is an agreement among the Secretary, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia as to the Federal share of the cost of the activities carried out under section 208.

SEC. 208. CAPITAL IMPROVEMENTS AND CONSTRUCTION.

The Authority shall take such action as is necessary to address the need of the National Capital Region for an enhanced southern Capital Beltway crossing of the Potomac River that serves the traffic corridor of the Bridge (as in existence on the date of enactment of this Act), in accordance with the recommendations in the final environmental impact statement prepared by the Secretary. The Authority shall have the sole responsibility for the ownership, construction, operation, and maintenance of a new crossing of the Potomac River.

SEC. 209. ADDITIONAL POWERS AND RESPONSIBILITIES OF AUTHORITY.

In addition to the powers and responsibilities of the Authority under the other provisions of this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, the Authority shall have all powers necessary and appropriate to carry out the duties of the Authority, including the power—

(1) to adopt and amend any bylaw that is necessary for the regulation of the affairs of the Authority and the conduct of the business of the Authority;

(2) to adopt and amend any regulation that is necessary to carry out the powers of the Authority;

(3) subject to section 207(a)(2), to plan, establish, finance, operate, develop, construct, enlarge, maintain, equip, or protect the Bridge or a new crossing of the Potomac River described in section 208;

(4) to employ, in the discretion of the Authority, a consulting engineer, attorney, accountant, construction or financial expert, superintendent, or manager, or such other employee or agent as is necessary, and to fix the compensation and benefits of the employee or agent, except that—

(A) an employee of the Authority shall not engage in an activity described in section 7116(b)(7) of title 5, United States Code, with respect to the Authority; and

(B) an employment agreement entered into by the Authority shall contain an explicit prohibition against an activity described in subparagraph (A) with respect to the Authority by an employee covered by the agreement;

(5) to—

(A) acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange; and

(B) exercise such powers of eminent domain in the Capital Region jurisdictions as are conferred on the Authority by the Capital Region jurisdictions, in the exercise of the powers and the performance of the duties of the Authority;

(6) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Authority by the Federal Government or by any other public or private entity or individual;

(7) to borrow money on a short-term basis and issue notes of the Authority for the borrowing payable on such terms and conditions as the Board considers advisable, and to issue bonds in the discretion of the Authority for any purpose consistent with this title, which notes and bonds—

(A) shall not constitute a debt of the United States, a Capital Region jurisdiction, or any political subdivision of the United States or a Capital Region jurisdiction; and

(B) may be secured solely by the general revenues of the Authority, or solely by the income and revenues of the Bridge or a new crossing of the Potomac River described in section 208;

(8) to fix, revise, charge, and collect any reasonable toll or other charge;

(9) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Authority or the proper operation of the Bridge or a new crossing of the Potomac River described in section 208;

(10) to make any payment necessary to reimburse a local political subdivision having jurisdiction over an area where the Bridge or a new crossing of the Potomac River is situated for any extraordinary law enforcement cost incurred by the subdivision in connection with the Authority facility;

(11) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(A) financing, constructing, maintaining, improving, or operating the Bridge or a new crossing of the Potomac River described in section 208; or

(B) fostering development of a new transportation technology;

(12) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of the Bridge or a new crossing of the Potomac River described in section 208;

(13) to adopt an official seal and alter the seal, as the Board considers appropriate;

(14) to appoint 1 or more advisory committees;

(15) to sue and be sued in the name of the Authority; and

(16) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Authority under this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the Washington, District of Columbia, metropolitan area under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

SEC. 210. FUNDING.

(a) SET-ASIDE.—Section 104 of title 23, United States Code (as amended by section 125(b)(2)(A)), is further amended—

(1) in the first sentence of subsection (b), by striking "subsection (f) of this section" and inserting "subsections (f) and (i)";

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting before subsection (j) the following:

"(i) WOODROW WILSON MEMORIAL BRIDGE.—Before making an apportionment of funds under subsection (b), the Secretary shall set aside $17,550,000 for fiscal year 1996 and $80,050,000 for fiscal year 1997 for the rehabilitation of the Woodrow Wilson Memorial Bridge and for the planning, preliminary design, engineering, and acquisition of a right-of-way for, and construction of, a new crossing of the Potomac River.".

(b) APPLICABILITY OF TITLE 23.—Funds made available under this section shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code, except that—

(1) the Federal share of the cost of any project funded under this section shall be 100 percent; and

(2) the funds made available under this section shall remain available until expended.

(c) STUDY.—Not later than May 31, 1997, the Secretary, in consultation with each of the Capital Region jurisdictions, shall prepare and submit to Congress a report identifying the necessary Federal share of the cost of the activities to be carried out under section 208.

(d) DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1002(e)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 104 note) is amended by inserting before the period at the end the following: "and the National Capital Region Interstate Transportation Authority Act of 1995".

(e) REMOVAL OF ISTEA AUTHORIZATION FOR BRIDGE REHABILITATION.—Section 1069 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2009) is amended by striking subsection (i).

SEC. 211. AVAILABILITY OF PRIOR AUTHORIZATIONS.

In addition to the funds made available under section 210, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2009 and 2028) (as in effect prior to the amendment made by section 210(e)) shall continue to be available after the conveyance of the Bridge to the Authority under section 207(a), in accordance with the terms under which the funds were made available under the Act.

TITLE III—FEDERAL HIGHWAY AND RAILROAD GRADE CROSSING SAFETY

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Highway and Railroad Grade Crossing Safety Act of 1995".

SEC. 302. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway technologies to promote safety at railroad-highway grade crossings. The Secretary of Transportation shall ensure that two or more operational tests funded under such Act shall promote highway traffic safety and railroad safety.

SEC. 303. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.

(a) AMENDMENT OF REGULATIONS.—The Secretary of Transportation shall conduct a rulemaking proceeding to amend the regulations under section 500.407 of title 23, Code of Federal Regulations, to require that each highway safety management system developed, established, and implemented by a State shall, among countermeasures and priorities established under subsection (b)(2) of that section—

(1) include public railroad-highway grade-crossing closure plans that are aimed at eliminating high-risk or redundant crossings (as defined by the Secretary);

(2) include railroad-highway grade-crossing policies that limit the creation of new at-grade crossings for vehicle or pedestrian traffic, recreational use, or any other purpose; and

(3) include plans for State policies, programs, and resources to further reduce death and injury at high-risk railroad-highway grade crossings.

(b) DEADLINE.—The Secretary of Transportation shall complete the rulemaking proceeding described in subsection (a) and prescribe the required amended regulations, not later than one year after the date of enactment of this Act.

SEC. 304. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31311 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) GRADE-CROSSING VIOLATIONS.—

"(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

"(2) MINIMUM REQUIREMENTS.—Regulations issued under paragraph (1) shall, at a minimum, require that—

"(A) the penalty for a single violation shall not be less than a 60-day disqualification of the driver's commercial driver's license; and

"(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.".

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than one year after the date of enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(18) GRADE-CROSSING REGULATIONS.—The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.".

SEC. 305. SAFETY ENFORCEMENT.

(a) COOPERATION BETWEEN FEDERAL AND STATE AGENCIES.—The National Highway Traffic Safety Administration, and the Office of Motor Carriers within the Federal Highway Administration, shall on a continuing basis cooperate and work with the National Association of Governors' Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.

(b) REPORT.—The Secretary of Transportation shall submit a report to Congress by January 1, 1996, indicating (1) how the Department worked with the above mentioned entities to improve the awareness of the highway and commercial vehicle safety and law enforcement communities of regulations and safety challenges at railroad-highway grade crossings, and (2) how resources are being allocated to better address these challenges and enforce such regulations.

SEC. 306. CROSSING ELIMINATION; STATEWIDE CROSSING FREEZE.

(a) STATEMENT OF POLICY.—

(1) Railroad-highway grade crossings present inherent hazards to the safety of railroad operations and to the safety of persons using those crossings. It is in the public interest—

(A) to eliminate redundant and high risk railroad-highway grade crossings; and

(B) to limit the creation of new crossings to the minimum necessary to provide for the reasonable mobility of the American people and their property, including emergency access.

(2) Elimination of redundant and high-risk railroad-highway grade crossings is necessary to permit optimum use of available funds to improve the safety of remaining crossings, including funds provided under Federal law.

(3) Effective programs to reduce the number of unneeded railroad-highway grade crossings, and to close those crossings that cannot be made reasonably safe (due to reasons of topography, angles of intersection, etc.), require the partnership of Federal, State, and local officials and agencies, and affected railroads.

(4) Promotion of a balanced national transportation system requires that highway planning specifically take into consideration the interface between highways and the national railroad system.

(b) PARTNERSHIP AND OVERSIGHT.—The Secretary shall foster a partnership among Federal, State, and local transportation officials and agencies to reduce the number of railroad-highway grade crossings and to improve safety at remaining crossings. The Secretary shall make provisions for periodic review to ensure that each State (including State subdivisions and local governments) is making substantial, continued progress toward achievement of the purposes of this section.

(c) CROSSING FREEZE.—If, upon review, and after opportunity for a hearing, the Secretary determines that a State or political subdivision thereof has failed to make substantial, continued progress toward achievement of the purposes of this section, then the Secretary shall impose a limit on the maximum number of public railroad-highway grade crossings in that State. The limitation imposed by the Secretary under this subsection shall remain in effect until the State demonstrates compliance with the requirements of this section. In addition, the Secretary may, for a period of not more than 3 years after such a determination, require compliance with specific numeric targets for net reductions in the number of railroad-highway grade crossings (including specification of hazard categories with which such crossings are associated).

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

MOTION OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHUSTER moves to strike all after the enacting clause of S. 440 and insert in lieu thereof the text of H.R. 2274 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend title 23, United States Code, to designate the National Highway System, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2274) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. SHUSTER. Mr. Speaker, pursuant to clause 1 of rule XX and at the direction of the Committee on Transportation and Infrastructure, I move to insist on the House amendments to S. 440 and to request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure for consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. SHUSTER,

CLINGER, PETRI, EMERSON, LAHOOD, MINETA, OBERSTAR, and RAHALL.

There was no objection.

REQUEST TO SPEAK OUT OF ORDER

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak out of order.

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

Mr. MCINNIS. Mr. Speaker, reserving the right to object, I am inquiring is this a 1-minute? What is the period of time being granted to the gentleman?

Mr. GIBBONS. Three minutes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has asked for 3 minutes. Is there objection to the request of the gentleman from Florida?

Mr. CHRISTENSEN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

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

Mr. CAMP. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO SPEAK ON POINT OF PERSONAL PRIVILEGE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak on a point of personal privilege.

The SPEAKER pro tempore. The Chair cannot entertain a unanimous-consent request to speak on a point of personal privilege.

FREE AND FULL DEBATE MUST BE ALLOWED IN THE HOUSE

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

Mr. GIBBONS. Mr. Speaker, I do not want to turn this body into an authoritarian dictatorship, but recently, in the Ways and Means Committee I attended a meeting regularly called and I attempted to speak on a motion that was being made. I was immediately cut off by a parliamentary maneuver, and not given a chance to speak.

□ 1800

I have been here 33 years, Mr. Speaker. I do not believe I have ever seen that happen, I know in the Committee on Ways and Means, and I have never seen it happen on this floor. I know that my Republican friends are trying to hide their Medicare program from the American public, and we are doing the best we can to let the American public know what is going on. But the kind of parliamentary procedure I see around here now shocks me. This body is going to be seriously injured if we act in an authoritarian way and allow no debate.

CONFERENCE REPORT ON H.R. 1817, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 223 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 223

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1817) making appropriations for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 223 is a straightforward resolution. The proposed rule merely waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by voice vote.

Mr. Speaker, the conference report on H.R. 1817, the legislation making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year 1996 is critical legislation. This conference report appropriates $11.2 billion in fiscal year 1996, the same as the House-passed bill, and $2.5 billion more than in fiscal year 1995. Additionally, 40 percent of the funds in the bill are appropriated for family housing. Furthermore, $3.9 billion, 35 percent of the total bill, is appropriated for base realignment and closure. I urge my colleagues to support the rule as well as the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from Colorado, Mr. MCINNIS, as well as my colleagues on the other side of the aisle for bringing this rule to the floor.

House Resolution 223 makes it in order to consider the conference report on H.R. 1817, the military construction appropriation bill for fiscal 1996 and waives all points of order against the conference report. The Rules Committee reported the rule without opposition by voice vote.

The conference report on H.R. 1817 appropriates $4.3 billion for family housing, $3.9 billion for base realignment and closure projects, and $2.8 billion for other military construction. The funds will allow the Department of Defense to maintain adequate housing for members of the Armed Forces. It will also provide construction funds for upgrading existing structures and building new facilities.

I am pleased that the conference report includes $10 million for construction projects at Wright-Patterson Air Force Base. This includes $4.1 million to upgrade a 40-year-old electrical distribution system that supports laboratories on the base. The funds also include $5.9 million for a much-needed renovation of 66 units of housing at Page Manor, a neighborhood of homes for junior officers and enlisted personnel at Wright-Patterson.

Mr. Speaker, I urge adoption of the rule.

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

Mr. MCINNIS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mrs. VUCANOVICH. Mr. Speaker, pursuant to House Resolution 223, I call up the conference report on the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 14, 1995, at page H8954.)

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, I understand the rulings of the House provide that when the subcommittee chair and the ranking member are both in favor of the bill, that one-third of the time shall be allotted to allow a Member opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from North Carolina [Mr. HEFNER] in favor of the conference report?

Mr. HEFNER. Mr. Speaker, I am in favor of the conference report, yes.

The SPEAKER pro tempore. The gentleman from North Carolina is in favor. The gentleman from Wisconsin [Mr. OBEY] is correct. There could be a three-way split of the time.

Mr. OBEY. Mr. Speaker, I would ask that I might be allotted one-third of the time being in opposition to the bill.

Mrs. VUCANOVICH. Mr. Speaker, we have no objection.

The SPEAKER pro tempore. The Chair assumes the gentleman from Wisconsin [Mr. OBEY] is opposed to the conference report?

Mr. OBEY. He certainly is.

The SPEAKER pro tempore. Pursuant to clause 2(a) of rule XXVIII, the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes, the gentleman from North Carolina [Mr. HEFNER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Nevada [Mrs. VUCANOVICH].

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

Mr. Speaker, the conference report we present to the House today for military construction, family housing and base closure recommends a total appropriation of $11.2 billion. This represents a $479 million increase over the President's request and a $2.4 billion increase over fiscal year 1995. Mr. Speaker, this is the exact level of funding which passed the House in June by a vote of 319 to 105.

Mr. Speaker, the House conferees had more than 200 differences to resolve, representing over $1 billion. We have done so in an equitable manner. At the same time, we held to our priorities and provided an additional $223 million for troop housing and $186 million for family housing above the President's request.

Overall, the agreement recommends $4.3 billion for items related to family housing; $3.9 billion for the implementation of base realignments and closures; and $2.8 billion for military construction. In addition, $161 million is provided for the NATO Security Investment Program.

Mr. Speaker, the projects to be implemented with this appropriation are still subject to authorization. While that conference is ongoing we have worked closely with the National Security Committee in crafting this bill. This cooperation has been invaluable and I understand they support this agreement.

As always, I want to express my appreciation to all the members of the subcommittee and especially our ranking minority member, Mr. HEFNER, for his cooperation in crafting this agreement. It has been done in a bipartisan manner and is an equitable compromise.

I would like to thank staff members for their professional and expert help. We couldn't do it without them.

This bill represents an investment program that has significant payback in economic terms and in better living and working conditions for our military personnel and their families. I urge my colleagues to support this conference report.

Mr. Speaker, I included statistical information for the RECORD.

FY 1996 MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 1817)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army	550,476,000	472,724,000	611,608,000	516,664,000	633,814,000	+83,338,000
Rescission				-6,245,000		
Total, Military construction, Army (net)	550,476,000	472,724,000	611,608,000	510,419,000	633,814,000	+83,338,000
Military construction, Navy	385,110,000	488,086,000	588,243,000	552,586,000	554,636,000	+169,526,000
Military construction, Air Force	516,813,000	495,655,000	578,841,000	569,616,000	587,234,000	+70,421,000
Rescission				-16,005,000	-8,765,000	-8,765,000
Total, Military construction, Air Force (net)	516,813,000	495,655,000	578,841,000	553,611,000	578,469,000	+61,656,000
Military construction, Defense-wide	504,118,000	857,405,000	728,332,000	828,078,000	640,357,000	+136,239,000
Rescission				-26,755,000	-23,521,000	-23,521,000
Total, Military construction, Defense-wide (net)	504,118,000	857,405,000	728,332,000	801,323,000	616,836,000	+112,718,000
Total, Active components	1,956,517,000	2,313,870,000	2,507,024,000	2,417,939,000	2,383,755,000	+427,238,000
Military construction, Army National Guard	188,062,000	18,480,000	72,537,000	156,357,000	137,110,000	-50,952,000
Military construction, Air National Guard	249,056,000	85,647,000	118,267,000	168,972,000	171,272,000	-77,784,000
Rescission				-6,700,000	-6,700,000	-6,700,000
Total, Military construction, Air National Guard (net)	249,056,000	85,647,000	118,267,000	162,272,000	164,572,000	-84,484,000
Military construction, Army Reserve	57,370,000	42,963,000	42,963,000	83,423,000	72,728,000	+15,358,000
Military construction, Naval Reserve	22,748,000	7,920,000	19,655,000	7,920,000	19,055,000	-3,693,000
Military construction, Air Force Reserve	57,066,000	27,002,000	31,502,000	35,447,000	36,482,000	-20,584,000
Total, Reserve components	574,302,000	182,012,000	284,924,000	445,419,000	429,947,000	-144,355,000
Total, Military construction	2,530,819,000	2,495,882,000	2,791,948,000	2,863,358,000	2,813,702,000	+282,883,000
Appropriations	(2,530,819,000)	(2,495,882,000)	(2,791,948,000)	(2,919,063,000)	(2,852,688,000)	(+321,869,000)
Rescissions				(-55,705,000)	(-38,986,000)	(-38,986,000)
NATO Security Investment Program	119,000,000	179,000,000	161,000,000	161,000,000	161,000,000	+42,000,000
Family housing, Army:						
Construction	170,002,000	43,500,000	126,400,000	71,752,000	116,656,000	-53,346,000
Operation and maintenance	1,013,708,000	1,337,596,000	1,337,596,000	1,339,196,000	1,335,596,000	+321,888,000
Total, Family housing, Army	1,183,710,000	1,381,096,000	1,463,996,000	1,410,948,000	1,452,252,000	+268,542,000
Family housing, Navy and Marine Corps:						
Construction	267,465,000	465,755,000	531,289,000	512,947,000	525,058,000	+257,593,000
Operation and maintenance	937,599,000	1,048,329,000	1,048,329,000	1,051,929,000	1,048,329,000	+110,730,000
Total, Family housing, Navy	1,205,064,000	1,514,084,000	1,579,618,000	1,564,876,000	1,573,387,000	+368,323,000
Family housing, Air Force:						
Construction	277,444,000	249,003,000	294,503,000	267,137,000	297,738,000	+20,294,000
Operation and maintenance	824,845,000	849,213,000	863,213,000	850,059,000	849,213,000	+24,368,000
House floor amendment			-6,986,000			
Total, Family housing, Air Force	1,102,289,000	1,098,216,000	1,150,730,000	1,117,196,000	1,146,951,000	+44,662,000
Family housing, Defense-wide:						
Construction	350,000	3,772,000	3,772,000	3,772,000	3,772,000	+3,422,000
Operation and maintenance	29,031,000	30,467,000	30,467,000	42,367,000	30,467,000	+1,436,000
Total, Family housing, Defense-wide	29,381,000	34,239,000	34,239,000	46,139,000	34,239,000	+4,858,000
Department of Defense Family Housing Improvement Fund 1/		22,000,000	22,000,000	22,000,000	22,000,000	+22,000,000
Homeowners Assistance Fund, Defense		75,586,000	75,586,000	75,586,000	75,586,000	+75,586,000
Total, Family housing	3,520,444,000	4,125,221,000	4,326,169,000	4,236,745,000	4,304,415,000	+783,971,000
Construction	(715,261,000)	(762,030,000)	(955,964,000)	(855,608,000)	(943,224,000)	(+227,963,000)
Operation and maintenance	(2,805,183,000)	(3,265,605,000)	(3,279,605,000)	(3,283,551,000)	(3,263,605,000)	(+458,422,000)
Family Housing Improvement Fund		(22,000,000)	(22,000,000)	(22,000,000)	(22,000,000)	(+22,000,000)
Homeowners Assistance Fund		(75,586,000)	(75,586,000)	(75,586,000)	(75,586,000)	(+75,586,000)
Base realignment and closure accounts:						
Part I	87,600,000					-87,600,000
Part II	265,700,000	964,843,000	964,843,000	964,843,000	964,843,000	+699,143,000
(By transfer)	(133,000,000)					(-133,000,000)
Part III	2,322,858,000	2,148,480,000	2,148,480,000	2,148,480,000	2,148,480,000	-174,378,000
Part IV		784,569,000	784,569,000	784,569,000	784,569,000	+784,569,000
Total, Base realignment and closure accounts	2,676,158,000	3,897,892,000	3,897,892,000	3,897,892,000	3,897,892,000	+1,221,734,000

FY 1996 MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 1817) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Procurement: General provisions 2/	-10,421,000					+10,421,000
FY 1995 Emergency Supplemental (P.L. 104-6)	-100,600,000					+100,600,000
Grand total	8,735,400,000	10,697,995,000	11,177,009,000	11,158,995,000	11,177,009,000	+2,441,609,000
Appropriations	(8,735,400,000)	(10,697,995,000)	(11,177,009,000)	(11,214,700,000)	(11,215,995,000)	(+2,480,595,000)
(By transfer)	(133,000,000)					(-133,000,000)
Rescission				(-55,705,000)	(-38,986,000)	(-38,986,000)

1/ Budget amendment submitted 6/2/95 (H.Doc. 104-80).
2/ Budget amendment submitted 3/15/94 (H.Doc. 103-220, page 10).

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

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

Mr. Speaker, I rise in support of fiscal year 1996's military construction conference report and want to compliment the distinguished chairman of the Subcommittee on Military Construction for her fine work in this bill. I would like to congratulate her also on presiding over her first bill on military construction as the chairman of this subcommittee, and she has done a tremendous job.

I would also be remiss if I did not congratulate the very fine staff that has worked so hard in a bipartisan manner to put together this—what we consider a very, very good bill. I would also like to say that over the course of hearings on this bill we invited all the services in, all the people that had any interest whatsoever in military construction, whether it be Members or people in the private sector. We had extensive hearings, and we got a lot of information from people all over the country and from individual Members in this House on concerns that they had, as far as it goes, for quality of life for our military personnel and for our families that are involved in service to this great country of ours.

I think the gentlewoman basically covered all the numbers that we have come up with in this bill. It is somewhat over the President's request, and OMB has said that there could be some concern and there could be the possibility of a veto of this bill, but certainly we hope that would not be the case, because over the years we have worked very, very hard in this subcommittee addressing basically the quality of life for our men and women in our Armed Forces. We have continued to do that and we believe that this bill furthers the goal that will help us move forward to have better quality of life and help us with retention of the people that serve so nobly in our Armed Forces.

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

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, in the next 45 days, this Congress will define—for years to come—our top priorities. We will decide how much we are going to gouge senior citizens on Medicare; we will decide how much we are going to threaten the quality of children's education, their ability to get student loans, their ability to get the assistance they will need in early childhood education programs.

We will decide how much we are going to clobber low-income senior citizens, who are desperately struggling to avoid a choice between heating their homes and paying their prescription drug bills and their bills for food. Yet, this Congress is apparently ready to pass a Pentagon spending bill which will add billions of dollars to the amount requested by the President and the Pentagon leadership, and even on this bill, that warped sense of priorities continues.

□ 1815

Mr. Speaker, this conference report is $479 million over the amount requested by the President in his budget. It is almost $2½ billion above the amount spent last year, and that is a 28-percent increase in the amount that was spent last year. Of that amount, a significant portion is for what is known as quality-of-life projects such as barracks, child care centers, family housing. I do not begrudge anyone any of those projects, and I pose no objection to any of them. I have other objections to this bill, because this bill not only exceeds the amount requested by the President, but it adds significant amounts for unrequested projects, above the President's request.

The conference agreement funds 102 unrequested projects, totaling some $801 million. Again, it is no Federal offense for the Congress to decide that it is going to fund some items that the President and the Pentagon have not asked for. That is our prerogative. However, I would point out that if we compare the House add-ons and the add-ons in the Senate, the Senate bill added a total of $774 million, of which only $303 million was for quality-of-life projects.

While the conference agreement added some $430 million for quality-of-life, it also adds in excess of $370 million for non-quality-of-life. It contains funding for some 23 projects, totaling about $150 million, which are not even on the Pentagon's 5-year construction plan. That means that if we were to give the Pentagon all the money that they could spend for 5 years rather than 1 year for these construction projects, the Pentagon would still not choose to fund those 23 projects. It seems to me, at the very least, that the committee ought to reconsider the large amount of funding by which it has exceeded the Pentagon's 5-year project request list.

Because of that, and because the committee declined to further limit those kinds of projects, I feel I have no choice but to oppose the passage of this conference report. I have served on this subcommittee in the past, and I respect each and every member who serves on it. I would suggest that the lion's share of the projects in this bill are fully justifiable, but I do not believe, given the desperate condition of the budget, and given the excruciating competition for scarce dollars, that we can afford to be almost half a billion dollars above the request of the Pentagon and the President for these projects.

I would especially suggest that when we will be asked to vote very shortly on bills which make severe reductions in other programs that are severely needed by working-class people in this country—whether it be in programs for low-income workers who are being gouged by the loss of the earned income tax credit, whose taxes are being raised by recommendations, for instance, of the Committee on Ways and Means—we are going to be asked to swallow packages like that at the same time that we are being asked to buy this huge increase in spending. To me, it indicates a very warped sense of priorities and a degree of excess that the country neither can afford nor wants at this point. Therefore, I would urge opposition to final passage of the conference report.

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

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Colorado [Mr. HEFLEY], chairman of the Subcommittee on Military Installations and Facilities of the Committee on National Security.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of H.R. 1817, the military construction appropriations bill for fiscal year 1996. At the outset, as the chairman of the Subcommittee on Military Installations and Facilities, I want to commend the chairman, the gentlewoman from Nevada [Mrs. VUCANOVICH], and the ranking Democratic member of the subcommittee, the gentleman from Colorado [Mr. HEFNER], for their commitment to working closely with the authorization committee in putting together a military construction program for the coming year that addresses some of the most serious deficiencies faced by the military services.

Mr. Speaker, I remember lots of times when the authorization committee around here is complaining that "The appropriators do not pay any attention to what we do." That was not the case. In fact, many times I was one of those complainers about various committees I have served on, but that was not the case at this point. If I had my druthers, I would say that I, too, prefer the bill that left the House here. That is not the way we play the game, because we have to go to the Senate, and the Senate put many things in here that were not our choices, but we do that in the spirit of compromise.

There is no question that critical portions of the military construction program are underfunded. For example, the Army has provided testimony to both committees that indicates they would need $250 million per year over the next 23 years to buy down the problem of inadequate and substandard barracks, yet the administration requested just under $201 million for troop housing for the Army in fiscal year 1996. This legislation provides an additional $101 million from the administration's request in troop housing for the Army.

The example I just gave reflects the guiding principle of our joint approach to military construction. H.R. 1817 puts a premium on quality-of-life improvements for service personnel and their families. Those improvements will enhance readiness and retention.

Some question the level of additional funding that Congress has dedicated to this purpose. There is no doubt in my mind that a careful examination of the extensive hearing record developed by both the appropriation and authorization committee leads to one inescapable conclusion: The military construction program is underfunded, and serious problems have been left wanting.

This is a problem which proves the administration of both parties have permitted the Nation's military infrastructure to deteriorate. We are at a crossroads, and this bill is a milestone to begin to turn the problem around. Despite the criticism of some in this House and the press, the facts are that the dollars added for unrequested projects for the military construction appropriations bill are fewer this year than in the recent past.

At the same time, more money has been put toward troop housing, family housing, child development centers, and medical facilities, all of which are needed by military personnel and their families. The quality-of-life package agreed to by the conferees represents 60 percent of the projects added to the bill.

What we should not lose sight of is that we have consulted with the services on these projects, and they reflect their priorities and their needs, not just ours. The conferees have done more with less. They have made hard choices. This legislation is essential to the operational needs of the services. It will provide the funding necessary to conclude the base closure and realignment process. More importantly, thousands of military personnel and their families will have their quality of life enhanced by this bill.

H.R. 1817 is a good bill and it deserves the support of the House, and the signature of the President.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, my colleague, the gentleman from Wisconsin [Mr. OBEY], talked about poor children, education, and he used rough language to scare the American people. I would like to remind the gentleman that the President cut defense $177 billion, and cost over 1 million jobs in California. Ninety-five percent of education is funded out of State tax revenue.

We also, on a partisan line when they were in the majority, extended Somalia. We said, "It is going to cost billions of dollars." We had to run out of there with our tails between our legs. Look at Haiti, another embarkation. What would happen in Haiti? It is costing us billions of dollars. These kinds of funds which we need to support the defense of this country the gentleman disregards.

Yes, there are a lot of critical issues. They cut defense $177 billion. They called for additional base closures. Where do Members expect to put the carriers and the military construction when we close places like Alameda and put millions of people out of work? Think about it, I would say to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I had not intended to get into a rehash of this, but if the gentleman from California wants, I would be glad to oblige for as long as he desires it. Let me give some examples of the absolutely stupid and unnecessary spending which is being defended in the name of defense.

We start with the B–2. Despite the fact that the major study being done to determine what the proper level of purchases for that airplane would be, despite the fact that that commission came back and told us that we ought to buy 20, which is exactly what the Pentagon suggested we buy, the great wizards of this House have decided that we ought to buy 40. The additional cost of each B–2 is $1.2 billion, and Congress in its infinite wisdom, if it follows the judgment of this House, will buy twice as many as the Pentagon wants at a cost of $1.2 billion per plane.

For the cost of just one of those airplanes we could pay the tuition for every single student, every single undergraduate at the University of Wisconsin for the next 11 years. I call that widely outlandish and unnecessary and stupid spending.

Next we have the F–22. It is supposed to replace the F–15. When we started buying the F–15, we were told it would last us until the year 2015. Now we are told we have to replace that baby years early, at a cost of $70 billion. I make absolutely no apology for thinking that that is waste and that it ought to be eliminated.

I would also point out to the gentleman that after the seventh year of the budget, the defense budget adopted by this Congress is in fact lower than the defense budget submitted by President Clinton. There will not be room in that defense budget to fund every weapons system that this House has decided to buy. We are going to have to eliminate a number of them.

I make absolutely no apology for calling attention to the waste and stupidity associated with funding those weapons systems. I would be happy, if the gentleman wants to rehash the entire defense budget, to go on all night. But I would simply say at this point, I would repeat the original point I tried to make on this bill. It has a number of projects which the Pentagon itself would not even put on its construction list if we gave them 5 years' money, let alone the 1 year's money contained in this bill. I think that indicates there is some spending here that ought to be eliminated. I stand by my original position.

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

Mrs. VUCANOVICH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I come here to the floor to thank both the chairman and the ranking member for working out at times what can be differences, but measured on the whole, I think is a very good military construction appropriation budget. I came here because I was hopeful I would listen to the gentleman from Wisconsin [Mr. OBEY] and whether or not he would address some concerns and allegations that he had made in a Dear Colleague, and some press statements, and which he did not come to the floor to retract, so I came here to open up a colloquy with the gentleman from Wisconsin [Mr. OBEY] about having some questions.

Mr. Speaker, I understand the politics and things, and what he has done is he has cited some examples of the pork. He cited a fire station at Grissom Air Force Base. He said, "There are numerous reasons that this $4.25 million project is not included in the Pentagon planning list. First, except for a small ammunition storage area used by the Reserves, this base is being closed," and he underlined that. "Second, the base already has one fire station, which in the judgment of the DOD construction authorities is more than adequate to support the future operations at the base."

□ 1830

Actually, I ask if the gentleman from Wisconsin [Mr. OBEY] has received a letter from me today to respond to the factual inaccuracies.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

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

Mr. OBEY. I concede no inaccuracies.

Mr. BUYER. Reclaiming my time, then, the facts contained in the press release of the gentleman from Wisconsin [Mr. OBEY] are factually wrong and inaccurate, and I am hopeful not with any malicious intent. Grissom has not been closed. For him to say that that is accurate is completely false and someone is misguiding him. It has been realigned to a reserve base. It was done in October 1994. The Air Force has requested funds to build the fire training facility at Grissom in fiscal year 1996 and had the fire station placed on the schedule for construction in 1998. The House merely moves the request for the station up 2 years for the facility to be constructed within the reserve cantonment area.

Grissom is home to the 434th Air Refueling Wing. There is currently a proposal to move the Indiana National Guard helicopters to Grissom Air Force Base as well.

I invite the gentleman from Wisconsin [Mr. OBEY] to look at these facilities. He would know why we need this fire station for readiness. He is being misguided.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Indiana [Mr. BUYER] in a letter to me dated today suggested that the Air Force base is not being closed as he said I erroneously asserted.

What I asserted, and I stand by it, in my letter, I said that the base is being closed except for an ammunition storage function, which is in fact the case for active duty forces.

I would point out with respect to the assertion that this proposal was scheduled to be on the 5-year Pentagon planning list, in fact, the Office of Management and Budget has assured me that this project is not included in the 5-year plan. Just because the base commander wants it included on the 5-year plan does not mean it has been put there yet.

Third, I would simply note that in 1991, as I understand this project, there were some 3,200 civilian employees. Now there are about 700. Yet we are told that we need yet another fire station when they got by with one, the old one, before this base was significantly downsized.

I stand by my view that this project under those circumstances ought not be funded.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I include for the RECORD a letter from General McIntosh, Chief of the Air Force, that talked about the military construction project, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS U.S. AIR FORCE,
Washington DC, September 20, 1995.

Hon. BARBARA VUCANOVICH,
Chairwoman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: Congress has inserted a military construction project into the Air Force Reserve's fiscal year 1996 military construction program. This project, Construct New Fire Station at Grissom Air Reserve Base, Indiana, at an estimated cost of $4.25 million, is a valid Air Force Reserve requirement and is not affected by the base closure process.

MAJ. GEN. ROBERT A. MCINTOSH,
Chief of Air Force Reserve.

Mr. BUYER. Mr. Speaker, to say that this was just requested by a base commander is totally inaccurate.

Mr. OBEY. Mr. Speaker, taking back the balance of my time, just because a general wants it put on the 5-year list does not mean it is there yet. It is not. The OMB determines what is on that list as the gentleman knows. It is not on the list yet. It might be in the future if somebody's plans come true, but it is not on the list yet, and that is all we can go by.

Mr. BUYER. Mr. Speaker, if the gentleman will yield further, I think it is the U.S. Congress who is charged with the responsibility to build the forces to protect the Nation's national security. And that is extremely important.

Mr. OBEY. Taking back my time, that does not deny the fact that it is not on the Pentagon list. The gentleman is erroneous when he asserts it is.

Mr. BUYER. I say to the gentleman from Wisconsin [Mr. OBEY] that it is absolutely false and inaccurate, and completely disappointing.

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

Mr. Speaker, I urge an "aye" vote on the bill. It is not a perfect bill, but I think it is a very good bill and it accomplishes a lot of things that need to be done for our men and women in service and for retention.

Certainly there are some things in this bill that the gentlewoman from Nevada [Mrs. VUCANOVICH] and I would not like to have been in this bill, but we do have to go to conference and we do have to unfortunately have a conference with the other body. We do not get a perfect bill on every occasion. But we think that we have a good product. I would urge an "aye" vote on the final passage of the bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 additional minutes.

I would simply make one additional point with respect to the project that was just discussed between the gentleman from Indiana and myself.

As I understand it, there are some 2,600 projects on the Pentagon's 5-year list. What the gentleman wants this House to do as I understand it is to move his project ahead of those 2,600 projects. I do not think that is justified.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. How many C–130's are headed to Wisconsin?

Mr. OBEY. I do not support purchase of additional C–130's.

Mr. BUYER. I do not recall the gentleman moving to have them stricken from the budget.

Mr. OBEY. I did not realize I was required to offer an amendment opposing every item that I was opposed to.

Did the gentleman vote for my amendments to eliminate the F–22 and the B–2?

Mr. BUYER. No, I did not. I supported the B–2 bomber. If we have a disagreement with it, that is fine.

Mr. OBEY. We certainly do have a big disagreement. The gentleman wants to spend a lot of money that I do not want to spend.

Mr. Speaker, I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to again thank the gentleman from North Carolina [Mr. HEFNER] for working so closely with us to make a good bill. The compromise of course does not ever satisfy all of us, but we think we have come up with a good conference report.

With that, I urge support of our conference report.

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

The SPEAKER pro tempore (Mr. TORKILDSEN). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 98, not voting 10, as follows:

[Roll No. 680]

YEAS—326

Abercrombie	Clinger	Forbes
Ackerman	Clyburn	Ford
Archer	Coble	Fowler
Armey	Coleman	Franks (CT)
Bachus	Collins (GA)	Frelinghuysen
Baesler	Combest	Frisa
Baker (CA)	Condit	Frost
Baker (LA)	Costello	Funderburk
Baldacci	Cox	Gallegly
Barcia	Cramer	Ganske
Barr	Crane	Gejdenson
Barrett (NE)	Crapo	Gekas
Bartlett	Cremeans	Gephardt
Barton	Cubin	Geren
Bass	Cunningham	Gibbons
Bateman	Danner	Gilchrest
Bentsen	Davis	Gillmor
Bereuter	de la Garza	Gilman
Bevill	Deal	Gonzalez
Bilbray	DeLauro	Goodlatte
Bilirakis	DeLay	Goodling
Bishop	Deutsch	Gordon
Bliley	Diaz-Balart	Goss
Blute	Dickey	Graham
Boehlert	Dicks	Green
Boehner	Dixon	Greenwood
Bonilla	Dooley	Gunderson
Bono	Doolittle	Hall (OH)
Borski	Dornan	Hall (TX)
Boucher	Doyle	Hamilton
Brewster	Dreier	Hancock
Browder	Dunn	Hansen
Brown (FL)	Durbin	Hastert
Brownback	Edwards	Hastings (FL)
Bryant (TN)	Ehrlich	Hastings (WA)
Bunn	Emerson	Hayes
Bunning	English	Hayworth
Burr	Ensign	Hefley
Burton	Eshoo	Hefner
Buyer	Everett	Heineman
Callahan	Ewing	Herger
Calvert	Farr	Hilleary
Canady	Fattah	Hobson
Chambliss	Fawell	Hoke
Chapman	Fazio	Holden
Chenoweth	Fields (LA)	Hostettler
Christensen	Fields (TX)	Houghton
Chrysler	Flake	Hoyer
Clay	Flanagan	Hunter
Clayton	Foglietta	Hutchinson
Clement	Foley	Hyde

Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roybal-Allard
Salmon
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Serrano
Shaw
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spratt
Stearns
Stenholm
Stockman
Stokes
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—98

Allard
Andrews
Ballenger
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Brown (CA)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chabot
Coburn
Collins (IL)
Collins (MI)
Conyers
Cooley
Coyne
DeFazio
Dellums
Dingell
Doggett
Duncan
Ehlers
Engel
Evans
Filner
Fox
Frank (MA)
Franks (NJ)
Furse
Gutierrez
Gutknecht
Harman
Hinchey
Hoekstra
Horn
Johnston
Kennedy (MA)
Kleczka
Klug
Lincoln
Lofgren
Luther
Maloney
Markey
Martini
McDermott
Meehan
Mfume
Mineta
Minge
Nadler
Neumann
Nussle
Oberstar
Obey
Olver
Orton
Pastor
Payne (NJ)
Petri
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Roth
Roukema
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schumer
Sensenbrenner
Shadegg
Shays
Slaughter
Souder
Stark
Studds
Torres
Torricelli
Upton
Velazquez
Vento
Waters
Watt (NC)
Woolsey
Wyden
Yates
Zimmer

NOT VOTING—10

Hilliard
Moakley
Owens
Reynolds
Sisisky
Spence
Stump
Tucker
Volkmer
Williams

□ 1856

Messrs. BRYANT of Texas, CAMP, CASTLE, SCHUMER, McDERMOTT, NEUMANN, GUTKNECHT, and Ms. RIVERS changed their vote from "yea" to "nay."

Messrs. FLAKE, JACOBS, and FOGLIETTA changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5-legislative days within which to revise and extend their remarks and that I may include extraneous and tabular material on the conference report on the bill, H.R. 1817.

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

There was not objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1976) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. McCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD, be the conferees on the part of the Senate.

The message also announced that Mr. STEVENS, Mr. NICKLES, Mr. THOMPSON, Mr. GRASSLEY, Mr. GLENN, Mr. LEVIN, and Mr. REID, be appointed as conferees on the part of the Senate on the bill (S. 219) "An Act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes", in lieu of Mr. NICKLES, Mr. STEVENS, Mr. THOMPSON, Mr. GRASSLEY, Mr. GLENN, Mr. LEVIN, and Mr. REID.

The message also announced that Mr. STEVENS, Mr. ROTH, Mr. THOMPSON, Mr. COCHRAN, Mr. McCAIN, Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. SARBANES, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. COATS, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. DODD, be appointed as conferees on the part of the Senate on the bill (S. 4) "An Act to grant the power to the President to reduce budget authority" in lieu of Mr. ROTH, Mr. STEVENS, Mr. THOMPSON, Mr. COCHRAN, Mr. McCAIN, Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. SARBANES, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. COATS, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. DODD.

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, appoints Dr. Robert N. Kelly, of Kansas, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1995.

APPOINTMENT OF CONFEREES ON H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DURBIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1976, be instructed to agree to the amendment of the Senate numbered 88.

The SPEAKER pro tempore. Under the rule, the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The gentleman from Illinois [Mr. DURBIN] is recognized for 30 minutes.

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

Mr. Speaker, the motion instructs the House conferees to recede to the Senate number for section 502 rural

low-income housing direct loans. The House-passed amount is $550 million, while the Senate provided $1 billion. The House-reported amount, however, was $900 million.

Receding to the Senate for this important, necessary and popular program will merely take the activity back to the approximate level originally recommended by the gentleman from New Mexico [Mr. SKEEN], my friend, the chairman of the subcommittee, and agreed to by the Committee on Appropriations. Even at the Senate level, the section 502 program will be $200 million below the $1.2 billion provided for fiscal year 1995 and the amount requested for 1996.

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

□ 1900

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

Mr. Speaker, my good friend and former chairman of the subcommittee, the gentleman from Illinois, is offering a motion to instruct the conferees to recede to the Senate mark for section 502 direct loans for rural housing.

The Senate amendment provides for a loan level of $1 billion, almost double the amount in the House bill. The Senate mark is actually a little more than the program level for the current fiscal year.

The gentleman knows as well as anyone the difficulty we had in providing funds for the rural housing and development programs given the severe budget constraints we have been under. However, he also knows that I and many other Members regard the 502 program and other rural programs as extremely important and I assure him that I will work hard in the conference with him to do the absolute best we can for rural America.

Mr. Speaker, I yield back the balance of my time.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs: SKEEN, MYERS, of Indiana, WALSH, DICKEY, KINGSTON, RIGGS, NETHERCUTT, LIVINGSTON, DURBIN, Ms. KAPTUR, Mr. THORTON, Mrs. LOWEY, and Mr. OBEY.

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and that I may include tabular and extraneous material on the conference report on H.R. 1976.

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

There was no objection.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 225

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed two and one half hours equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 2347. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. Before consideration of any other amendment it shall be in order to consider a further amendment in the nature of a substitute by Representative Hamilton of Indiana or his designee. Such a further amendment in the nature of a substitute shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If such a further amendment in the nature of a substitute is rejected or not offered, then no further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 225 is a structured rule providing for the consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995.

House Resolution 225 provides a very generous 2½ hours of general debate, increased from the standard 1 hour to accommodate various views on both sides of the aisle, equally divided between the chairman and the ranking minority member of the Committee on International Relations. The rule makes in order as an original bill for the purpose of amendment in the nature of a substitute the text of H.R. 2347. House Resolution 225 provides that prior to consideration of any other amendment, it shall be in order to consider a further amendment in the nature of a substitute, if offered by the gentleman from Indiana [Mr. HAMILTON] or his designee, which would be debatable for 1 hour equally divided between a proponent and an opponent. It also provides that the amendment shall be considered as read and that the amendment shall not be subject to amendment.

House Resolution 225 makes in order the amendments printed in part one of the Committee on Rules report and debatable for 20 minutes for each amendment equally divided between a proponent and an opponent and provides that the amendment shall be considered as read.

In addition, Mr. Speaker, the rule permits the Chairman of the Committee of the Whole to postpone and/or to cluster votes on amendments and, finally, provides for one motion to recommit with or without instructions.

Now, Mr. Speaker, in order to accommodate the differences of opinion on both sides of the aisle, we agreed, as I stated earlier, to increase the general

debate time from 1 hour to 2½ hours. I believe that the debate will be important, and I look forward to its commencement.

At this time I would like to commend the gentleman from New York [Mr. SOLOMON], the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from New Jersey [Mr. MENENDEZ], my dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Florida [Mr. DEUTSCH], and the many others who are too countless to name for their exemplary efforts in bringing this bill forward.

I would also like to publicly thank the leaders of our House, the gentleman from Georgia, Speaker GINGRICH, the gentleman from Texas, Mr. ARMEY, and the gentleman from Texas, Mr. DELAY, for finding time in the House's schedule this week and for all the assistance they have provided in ensuring its consideration in a timely manner.

Mr. Speaker, this legislation constitutes a powerful and very effective mechanism for accelerating the liberation of the Cuban people from the oppression that the dictatorship there has been carrying out against the Cuban people for over three decades.

Mr. Speaker, the Cuban people are facing an avalanche of collaborationism by governments and investors in the international community who are seriously considering, and in a few instances, accepting, the Cuban dictator's invitation to come in and partake of his oppression of Cuban workers, his guaranteed denial of all labor rights, and his fire sale of the island at dirt cheap prices to foreign capitalists who agree to collaborate with him by purchasing commercial property, property that in many instances was stolen from U.S. citizens.

This bill will stop the flow, Mr. Speaker. This bill will stop the flow of foreign capital to Castro. His last lifeline after the collapse of the Soviet Union is creating a cause of action in United States courts for United States citizens against foreigners who traffic in property that Castro stole from those United States citizens. In other words, and I would like to quote the Speaker of the House on this: "If anyone else in the world buys expropriated American property from Castro and they have property here in the United States, we can then sue them in American courts to make them pay the money they just gave Castro for the property that was expropriated by Castro from American citizens."

In effect, this will end Castro's possibility of obtaining the cash that he needs to keep his repressive machinery going, Mr. Speaker.

With this legislation, the American people's Representatives will be saying very clearly to those who are dealing in property stolen from Americans by the Cuban dictator: Do not do it, it is morally wrong, and if you nonetheless traffic in property stolen from American citizens, you will have to suffer consequences in the United States for your actions.

We will hear during the process of this debate many arguments, I am sure, that we have already heard at length during actually 3 days of debate, seemingly never-ending, on just a handful of amendments in the Committee on International Relations and again in the Committee on Rules yesterday. We will hear of course that this rule is unfair from our colleagues on the other side of the aisle, though we are providing, Mr. Speaker, about six times more time for debate with this rule than the last time that a bill regarding Cuba was brought to the floor of the House 3 years ago under a majority from the Democratic side of the aisle.

We are also providing about 500 percent more of an opportunity to amend the legislation than when the Democrats were in the majority. As we will recall, Mr. Speaker, they brought the Cuban Democracy Act to the House floor under a suspension calendar. So we are providing for what is, when you count up the amount of time that we are providing for debate on this important issue, about 6 hours of debate.

Mr. Speaker, in the context of the debate, we will probably hear things said like, for example, that constructive engagement is the way to treat the Cuban dictatorship. Interestingly enough, many people who were the leaders against constructive engagement with regard to the dictatorships in South Africa or the dictatorship in Haiti or the dictatorship in Chile, many of the people who were against so-called constructive engagement with regard to those dictatorships will probably be advocating for constructive engagement with regard to the dictatorship in Cuba.

They will probably say that it was constructive engagement that freed the peoples of Eastern Europe, when the fact Eastern Europe was freed when the Soviet empire could not compete with the United States as it attempted to maintain military parity with us, and superpower status, and we denied them the political legitimacy that they sought with MFN in contrast to the prior policy of so-called detente.

And then we will hear, I am sure, Mr. Speaker, that the United States is acting alone, that we are standing by the Cuban people, but the rest of the world, whether it is the Europeans or our NAFTA partners, are busy trying to collaborate and trade with the Cuban dictatorship. We will hear that we are standing alone. We will hear, for example, of the Canadian company, I am sure, Sherritt Mining, the largest publicly held Canadian mining company that has worked out a deal with the Cuban dictator by which they mine nickel, that mineral, in eastern Cuba. They take it to Canada for processing, and then the chemical waste, the chemical waste from that process, Castro agrees that Sherritt Mining consented, back to Cuba to be dumped on Cuban soil and Cuban waters. We will probably hear of that as an example of constructive engagement and one way to help bring freedom and democracy to the Cuban people.

□ 1915

We will rebut each and every allegation with regard to arguments that I am sure will be made that the time has come to treat Castro nicely, that the time has come to treat Castro like we are treating the communist Chinese or the Vietnamese.

The last argument that came to my attention, Mr. Speaker, was that this bill was going to cost a lot of money, because there would be many, many lawsuits brought by Americans in U.S. courts to defend their properties stolen by Castro.

I want to make clear from the very outset that all residential property in Cuba is excluded from even possible consideration for the Federal courts under this legislation, and I want to make very clear that the CBO, and I have the letter here, Mr. Speaker, the Congressional Budget Office, points out that the fiscal impact of this legislation is virtually zero. That is very important to point out, because we have heard in the Committee on International Relations and the Committee on Rules many distortions with regard to that.

One other distortion is, I am sure, the bill is different than the bill reported in the Committee on International Relations. There were very minor changes requested by the chairman of the Committee on Ways and Means, and the significant change was the deletion of the fiscal impact, which is important to bring out from the very beginning.

I think of all the arguments, though, that I have heard against a firm policy by the United States on behalf of the Cuban people and against the dictatorship, we will hear it I am sure over and over again, everybody seems to say that they want Castro to go, that they want democracy for Cuba, but that they are against anything to achieve it. In fact, some of our colleagues on the other side will be arguing that the way to achieve a democratization in Cuba is by giving Castro cash, giving Castro access to credits.

One thing that I think is particularly insidious, and I would say ethically objectionable, is when the same leaders who spearheaded sanctions against dictatorships in South Africa, and even in this hemisphere, in Haiti, call for help

for Castro, trade for Castro, credits for Castro, that double standard is particularly, as I say, Mr. Speaker, insidious, hypocritical, and objectionable.

So we will debate this openly. The bill is fair. It provides, as I say, for approximately 6 hours of debate, and the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, in a communication in writing, as well as verbally to the Members of this House, stated a very firm deadline for amendments to be presented before the Committee on Rules for consideration, and the amendments that came in at that time that were timely were permitted for consideration.

I must say that I was one who had an amendment, it did not come in pursuant to the guidelines set by the chairman of the Committee on Rules and that amendment was not made in order and I accept responsibility and I commend the gentleman from New York [Mr. SOLOMON] for setting such a fair way of managing our committee. So I want to commend the gentleman for that.

Mr. Speaker, we look forward to debate on this rule. I believe that the rule for this legislation is fair, and I urge its adoption.

I include the following information from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 20, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	47	74
Modified Closed [3]	49	47	15	23
Closed [4]	9	9	2	3
Totals:	104	100	64	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 20, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 20, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman from Florida, [Mr. DIAZ-BALART], for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we oppose this rule in the strongest possible terms. It is an unfair and an unreasonable rule for the consideration of a major piece of legislation that would, if enacted, have serious effects on our foreign and domestic policy interests.

Procedurally, Mr. Speaker, this rule and the bill it makes in order have been handled in a most unfair and unusual manner. First, the rule itself: Last Thursday, September 14, the gentleman from California, [Mr. DREIER] made an announcement on the floor for the Committee on Rules describing the proposed treatment of amendments for H.R. 927. That was Thursday afternoon, when I remind my colleagues, Members were getting ready to leave or had already left Washington to return to their homes and to their districts.

At that time Mr. DREIER informed Members, and I quote him, "A preprinting option will likely be included," in the rule for the Cuban liberty bill. He went on to inform us, "It is not necessary for Members to file their amendments with the Committee on Rules or to testify."

That was the information that Members had and accepted in good faith when they left Washington on Thursday to return before votes on Tuesday, at which time, according to Mr. DREIER, who was speaking for the leadership, Members should not expect votes before 11 a.m.

Mr. Speaker, we were not privy to the discussions that led to the reversal of this policy that had been stated on the House floor, but an extreme reversal it was nonetheless.

On Monday, September 18, when most Members had not returned to Washington from their work in the districts they represent, since we were to have no votes that day here in Washington, the distinguished gentleman from New York [Mr. SOLOMON], our good friend, the chairman of the Committee on Rules, and a motion fair and decent gentleman he is, sent out a "Dear Colleague" letter announcing the postponement of the Committee on Rules hearing scheduled for Monday on H.R. 927 and rescheduling it for 2 p.m. on Tuesday, September 19. We were told the letter was not delivered in the morning mail, so Members could not have received it before 2 p.m. on Monday, and it was undoubtedly delivered to many offices much later.

His letter also contained a stunning reversal, Mr. SOLOMON, of the original leadership announcement of September 14. According to this new policy, the House would consider H.R. 927 under a structured rule, making in order only amendments prefiled by the Committee on Rules. Moreover, Members who wished to offer those amendments were required to file those amendments by 1 p.m. on Tuesday, September 19, less than 24 hours after the receipt of the letter.

Mr. Speaker, while we object in principle to the prefiling requirement, our objection would have been relatively constrained. It is usable, and properly so, I think, under some circumstances. What we strongly protest, however, is the fact that Members had been given such short notice of this extremely restrictive requirement.

Not only that, Mr. Speaker, but perhaps even more unfairly, if I may say so, the majority of our friends on the Committee on Rules, who should have known full well that many Members would be unable to quite meet this deadline, refused to give any leeway or grace at all to Members who filed their amendments even a few minutes beyond the 1 p.m. deadline. We were, to put it bluntly, astounded that a majority on the committee refused to extend this courtesy, which has been a customary practice in the past on the Committee on Rules, even though members were already operating under severe and unreasonable time constraints.

Several Members who drafted and then prefiled their amendments with the Committee on Rules have in fact been shut out of the amendment process on this very significant and controversial piece of legislation. And if those Members who learned somehow of the change in the rule and were attempting to comply with it are being denied the right to offer their amendments, we can only assume that others who would have wished to take part in this important debate were also denied that right because of the unexpected and untimely prefiling announcement which arrived when they were out of town.

In any event, Mr. Speaker, this is the situation: Because of this unreasonable restriction, the gentleman from Colorado [Mr. SKAGGS], whose two amendments on the importance of ultra high frequency capable television and the Television Marti service were received in the Committee on Rules only 15 minutes after the 1 p.m. deadline; the gentleman from Florida [Mr. DIAZ-BALART], our good friend over there, whose amendment on U.S. telecommunications payments to Cuban governments, was received 20 minutes after 1 o'clock; and the gentleman from Washington [Mr. MCDERMOTT], whose amendment making an exception to the trade embargo for medical supplies and staple foods and other emergency supplies was filed 40 minutes late, these gentleman will be unable to have their amendments debated separately during this historic debate.

Mr. Speaker, with respect to how the bill itself was considered, the ranking member of the Committee on International Relations, the gentleman from Indiana, [Mr. HAMILTON], testified very convincingly of his concerns with not only the substance of the bill but also in the manner in which the bill moved from his committee to the Committee on Rules. We think we should all be concerned about those procedures, which are being used more and more frequently and are in effect subverting the committee process.

First of all, we are rushing to judgment on an important bill that is not time sensitive in any way that we can know about. The original intention was to bring this bill to the floor in October. It has now appeared suddenly on the House Calendar this week, giving Members little warning that the legislation had been put on the fast track.

But more important, more important by far, the committees which have jurisdiction over the bulk of this bill, the committees with the real expertise on the questions of import policy, visa exclusions, and, most importantly, Federal Court jurisdiction, which is touched upon to some great degree in this bill, abdicated their responsibility to even consider this bill. That means that the Committee on Ways and Means and the Committee on the Judiciary, who have jurisdiction, have not considered, have never considered, have never considered, some very complicated and controversial legislative provisions that will be found in this bill. The House clearly generally would have benefited greatly from the work of those committees on a bill of this importance and of this magnitude.

So, Mr. Speaker, we have a modified closed rule, and we have major committees waiving consideration of the

substantive bill. That means we have lost contribution of too many Members who have the expertise to monitor a bill of this nature, and we are, with the prefiling requirement, preventing them from contributing their knowledge and expertise to improving the bill on the floor.

The report of the Congressional Budget Office on this bill is highly unusual as well. CBO wrote that the bill as reported, "could have a significant budgetary impact through its authorization of discretionary appropriations."

Appropriations, it said, could exceed $1 billion. But amazingly, CBO goes on to say, "We understand from committee staff that a committee amendment would be offered on the House floor that would strip the bill of an open-ended authorization of appropriations, and that would make certain other provisions subject to further authorization and appropriations action. Such an amendment would reduce the bill's budgetary impact to relatively small amounts."

In other words, Mr. Speaker, CBO ignored the committee reported bill. That is a practice we hope will not become customary. Members deserve to know the accurate estimates for action that was actually taken by committee, and not for amendments that might or in fact will be offered on the floor.

Mr. Speaker, we might not be so strongly opposed to this modified closed rule with its restrictive prefiling requirements on amendments if the legislation itself did not mark such a radical shift in U.S. policy, especially foreign policy. Some of us, probably not the majority certainly, believe that we should be loosening the American economic embargo on Cuba, not tightening its restrictions even further. But that will be debated in the times to come.

But as the New York Times editorialized in opposing this legislation, and I quote from them, too, briefly if I may, "Cuba has kept its commitments to the United States on immigration. With the end of the Cold War, it posts no security threat to the United Stares, yet the restrictions on Havana are tighter than those imposed on Iraq."

The President, to his credit I think, has sensibly threatened to veto this bill. It is a bill that should alarm our allies, and apparently has, and the business interests of this country. The way we consider a bill of this magnitude, whatever our differences of opinion may be with respect to it, a bill which would have such far-reaching and serious consequences, should be open and fair and reasonable. Instead, we are being asked to take up a measure under a closed rule and to rush it through in just a day and a half. We do not support this procedure.

Mr. Speaker, we urge that the rule for H.R. 927 be defeated.

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

Mr. DIAZ-BALART. Mr. Speaker, at this time it is my privilege to yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, a great ally of freedom throughout the world and specifically of the Cuban people in their quest for democracy.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to congratulate him for his tireless effort in bringing this very, very important piece of legislation to the floor. Let me also commend the Committee on International Relations for the bipartisan spirit in which they have carried this bill to where it is today, along with the gentlewoman from Florida [Ms. ROS-LEHTINEN], a member of the Committee on International Relations, who has played such an important role, and the gentleman from Indiana [Mr. BURTON], the chairman of the Subcommittee on the Western Hemisphere.

Mr. Speaker, let me just say that while this is a structured rule, it does provide for a very thorough debate of the major issues associated with this bill, the Cuban Liberty and Democratic Solitary Act of 1995. As the gentleman from Florida [Mr. DIAZ-BALART] has said, the House will be provided a full 2½ hours of general debate on this legislation in which to discuss the provisions of this bill, and it is a narrowly focused bill, so that is, believe me, more than ample time. This will allow Members from both sides of the aisle to engage in what I would consider to be a meaningful discourse on this issue. We have allowed exactly the time that was requested from those that would be in opposition to the bill.

Furthermore, the ranking minority member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], an opponent of the bill, is granted the opportunity to offer an entire substitute bill in which he could address all of his issues of disagreement and those issues that were brought up by the distinguished gentleman from California [Mr. BEILENSON]. That amendment will then be subject to another full hour of debate, which is more than ample and agreed to by both sides of the aisle.

In addition to these 3½ hours of debate, the rule also makes in order three other amendments, each debatable for 20 minutes, to focus the House's attention on three specific elements of the bill, and 20 minutes each was agreed to by both sides of the aisle. No one wanted more time than the 20 minutes. Therefore, this rule is fair, it is very reasonable.

Mr. Speaker, in reference to the bill itself, I would like to voice my strong support for two areas of the bill in particular. First, the bill would prohibit support for Cuba from international organizations or countries that receive funding from the United States. That means U.S. taxpayers' dollars. This prohibition is crucial to prevent the reoccurrence of foreign countries, and even foreign international organizations that we give U.S. taxpayer dollars to, exporting totalitarian rule and communism to this hemisphere.

Second, the bill would require the President to reduce United States assistance to the states of the former Soviet Union by an equal amount to any assistance or even credits provided by that state to the Castro regime in Cuba.

□ 1730

Mr. SOLOMON. You know, we watch what is happening in Bosnia and we give the United States aid, again United States taxpayers' dollars to the former Soviet Union, the country of Russia in particular. They in turn take those dollars we are giving them. They manufacture weapons, they give it to the Serbs, to the country of Serbia who then in turn gives it over, in spite of the sanctions and embargoes, they give it to the Bosnian Serbs to carry on the genocide that has been happening in that country there. That is just plain outrageous.

The provision in this bill would prevent that. This even tighter restriction on the former Soviet Union will send the message that the days of Soviet meddling in the affairs of fledgling Central and South American nations is over. It is over and done with. We will not and we cannot stand by and continue to send billions of dollars of taxpayers' money to the newly independent states of the former Soviet Union, only to have these taxpayers' dollars rerouted to this despicable Communist regime of Castro for use against the very democratic pillars of our own Nation and against his own people which he persecutes in his country.

Mr. Speaker, I would just urge my colleagues to support this fair rule and to support this very important piece of legislation so that our Nation can take a firm stand against the last bastion of communism in this hemisphere, and that is Cuba.

I really do thank the gentleman and commend him for all his tireless work on this effort.

Mr. BEILENSON. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Indiana, [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to both H.R. 927, the Cuban Liberty and Democratic Solidarity Act, and to the rule which is now before the House.

Many Members remain quite unfamiliar with the details of this bill. I will speak during the general debate about why I think this bill represents

the wrong approach to U.S. policy toward Cuba.

I am not concerned only with the substance of this bill. I am deeply concerned that this bill has been and will today be considered in a manner that subverts appropriate processes in the House. This statement is not one I make lightly or easily.

TIMING: RUSHED TO THE FLOOR

I was informed only last Thursday that this bill would be scheduled for consideration on the House floor this week. We had asked repeatedly over the last month and were told repeatedly that it would not be considered by the House until October.

I do not understand the sudden rush to place this serious piece of legislation before the House this week. Those of us who oppose the bill would have liked a little more notice about its rapid jump to the top of the legislative calendar.

OTHER COMMITTEES BYPASSED

Let me describe the process by which this bill comes before the House.

The great bulk of the bill lies in the jurisdiction of the Ways and Means and Judiciary Committees—committees with real expertise that the International Relations Committee cannot claim on questions of import policy, visa exclusions, and Federal court jurisdiction. Titles III and IV of the bill—more than 50 percent of its content—are almost entirely within the jurisdiction of the Judiciary Committee. These titles contain very complicated provisions that will have a tremendous impact on the federal court system.

Yet both Judiciary and Ways and Means waived consideration of the bill. Now I understand that is well within the prerogative of a committee chairman, but I believe that waiving consideration on a bill of this magnitude is, to put it gently, not appropriate.

Let's be clear: when you combine waiving consideration with a closed rule—like the one we are considering now which makes only 4 amendments in order—you have shut out those Members of the House with the greatest ability to improve the legislation.

Additionally, the bill being considered before the House is not the bill reported by the International Relations Committee, the only committee to act. The text made in order by this rule include changes requested by another committee chairman, without any committee action. The bill reported to the House by the only committee to consider it included a section further regulating sugar imports. The bill to be considered under this rule does not contain that provision.

The bill before the House also makes significant changes in title II, the only title exclusively in the jurisdiction of our committee. The bill reported out of the Committee contained an authorization for assistance to a Cuba in transition. The bill that we will consider on the floor has no authorization. In fact, the bill before the House includes changes almost identical to those contained in an amendment offered in committee that was rejected by the Committee.

The changes made to title II appear to result directly from the cost estimate submitted by the Congressional Budget Office. That estimate itself is proof of the extent to which the role of committee consideration and the weight of a reported bill are being ignored.

The CBO letter states that appropriations for the bill as ordered reported "could exceed $1 billion" but prior to providing this estimate, it states that

> CBO understands from Committee staff that a Committee amendment will be offered on the House floor that would strip the bill of an openended authorization of appropriations and would make certain other provisions subject to further authorization and appropriations action. Such an amendment would reduce the bill's budgetary impact to relatively small amounts.

CBO apparently no longer even accords committees enough respect to provide a cost estimate specifically on the action the committee has taken.

These changes represent nothing short of a rewriting of the bill between the committee vote and floor consideration. In my view, changing the bill as it was reported from the committee in this manner is unacceptable.

THE RULE ITSELF

With respect to the Rules process, Members were first told last Thursday that it was "likely" that amendments pre-printed in the CONGRESSIONAL RECORD would be accorded preference in floor consideration. Mr. DRIER stated at that time that there was no need for Members to file their amendments with the Rules Committee.

It was also announced that amendments should be drafted to a substitute that Mr. BURTON had included in Thursday's CONGRESSIONAL RECORD. This announcement implied that most Members would have the ability to amend the bill.

Then, at noon on Monday—a day when no votes were scheduled—Chairman SOLOMON announced that Members should expect that the Rules Committee might report a structured rule, that amendments now had to be filed with the committee by 1 pm on Tuesday, and that those amendment should be drafted not to the Friday substitute, but to a bill that Mr. BURTON introduced that day. Effectively, this meant that Members—most of whom did not arrive back in Washington until Tuesday morning—were given only a few hours to submit their amendments to this new bill, all 79 pages worth.

Several Members were actually able to get amendments to the Rules Committee by Tuesday afternoon, prior to the start of the Rules hearing on this bill. And yet, not all amendments that the Rules Committee received were made in order. In fact, Mr. SKAGGS and Mr. MCDERMOTT were shut out entirely because their amendments arrived at Rules after 1 pm.

However, it is my understanding that Mr. BURTON's three amendments were late as well. But one of those amendments was made in order by the rule, giving special treatment to the Member that wrote the bill—the Member who needs special treatment the least.

The Rule does make a Hamilton substitute in order. Now that's fine. But I never requested that the Rules Committee make in order such a substitute and I do not intend to offer a substitute. I simply do not understand why the committee would make in order a substitute that they know I do not have while denying other Members the ability to offer amendments that they had drafted and ready to go.

At the Rules Committee hearing, several of my colleagues stated that this very restricted rule was acceptable on this bill, because all the elements of the bill had been considered many times before. I take issue with that statement. To the best of my knowledge, easily one half of the bill—all the property and visa provisions—are without precedent. We are creating new rights of action, we are creating new reasons to exclude entry to the United States. And we are doing so under an exceedingly restrictive process.

CONCLUSION

I think I have made clear the extent of my deep concerns about the process by which this bill comes before the House.

I urge a "no" vote on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I would like to take issue very briefly with the distinguished gentleman from Indiana with regard to his analysis of how the bill has reached the floor and specifically his analysis of the changes that were made after the bill as reported from the Committee on International Relations and its arrival at the Committee on Rules where it was reported favorably yesterday.

As I attempted to state earlier, the chairman of the Committee on Ways and Means made some minor recommendations that (a) make certain that the bill does not violate international agreements; (b) made discretionary some of the bill's recommendations for assistance to a post-Castro democratic Cuba; and, as been stated by the CBO letter, ended the bill's fiscal impact.

Mr. Speaker, I yield 4 minutes to my distinguished colleague and dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the rule. This legislation is critical

if we are to help the Cuban people break the chains that have denied them the most basic freedom for 36 years. Today the situation in Cuba seems to belong in the pages of a novel of terror. The millions of people who inhabit the island have no civil or human rights. They do not have the opportunity to freely elect their representatives. Instead, they are forced to belong to a failed Communist party which controls all activities. While tourists and foreigners enjoy lavish foods and amenities, the Cuban people are left to struggle daily for simple sustenance. Castro feeds the tourists. He starves the natives.

The people hunger for the truth. He feeds them lies. Dissidents are systematically persecuted, harassed and arrested. All this to satisfy the thirst for power of one man, Fidel Castro. For 36 years, this dictator and his Communist thugs have turned a once prosperous and developing nation into what analysts called an "undeveloping nation." The roads which were once filled with new cars are now invaded by inferior bicycles. The soil, once plentiful with food, is now desolate and barren, a tragic symbol of Castro's failed Marxist ideology. In Cuba today, the repression of the regime remains unabated in all sectors of society. Religious persecution has increased in recent months.

One of the most notable victims is Reverend Orson Vila Santoyo, a prominent evangelical leader who was arrested and sentenced to 2 years in prison for allowing religious services in his home. He was simply one of the victims in a large-scale harassment of religious institutions in that island. And persecution and harassment against journalists have also increased in Cuba. July saw a crackdown by the Castro dictatorship on independent journalists. During the first 2 weeks of that month, it was reported that Rafael Solano Morales, the founder of a clandestine independent news agency, Havanas Press, and Jose Rivero Garcia, of the Cuban Council of Independent Journalists, were arrested by Castro's police state. Solano Morales stated, "This is harassment and attempted intimidation of the free press in Cuba, but it will not have the desired effect." He is one of the 47 dissident leaders inside Cuba who have publicly endorsed this bill.

In a letter which JESSE HELMS received from Elizardo Sampedro Marin, and I quote,

> We support the alternative you propose. Its approval will mean a definite turn in our favor. We thank you sincerely for what you are doing and we are sure that those who criticize you today will congratulate you tomorrow for your contribution to the process of democratic transformation in Cuba.

It is valiantly signed by 47 dissidents of 30 groups at great personal risk to these individuals. We know that more groups would like to come out and more voices would like to be heard but, similarly, harassment against human rights activists has also increased. Last May we saw a nationwide harassment and detainment of these activists and this crackdown was described by the Human Rights/American Watch organization as "a kind of serious crackdown. It seems they, the Castro regime, is trying to scare them into leaving the country."

Mr. Speaker, it is clear that Castro will not change voluntarily. He will not reform himself if it means reducing his absolute power. Castro has to be eliminated, not by redundant dialogue but through swift and firm policies against him as embodied in this bill.

Today we will hear from opponents of this legislation that Castro is reforming. We may hear about foreign investments in Cuba and how these investors are gaining a windfall from these investments and how us in the United States, we are losing millions. But what you will not hear from them is who benefits from these investments or the conditions under which the Cuban people must work in order to satisfy these unscrupulous and immoral investors.

The reality is that Cuba today has brought back serfdom to our hemisphere. This is the best way to describe the slave-like conditions of the Cuban worker, for while Castro obtains the hard currency he needs from foreign investors, he pays the Cuban worker, at his whim, sometimes less than 5 percent of this money. Moreover, Castro is attracting foreign investors by promoting the repression that subjugates the Cuban worker. And that is why, Mr. Speaker, we must pass this rule and we must pass this bill today, in order to affirm the rights of these individuals, to say we are against this repression, and we dedicate this bill in their memory tonight.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

□ 1945

Mr. RANGEL. Mr. Speaker, I rise in opposition to this rule, but before I state my reasons, I just want to make it abundantly clear that I have the utmost respect for those Members of Congress that seek to find democracy, as probably all of the Members of this Congress would want to see. I must admit that many of them have stronger ties to Cuba and therefore their feelings would be a lot more emotional.

By saying that, however, it does not mean that I have any lesser feelings for democracy. Certainly I am the beneficiary of the democracy of this great Nation, and I have fought when my country has asked me to preserve democracies in other countries, specifically South Korea.

I too have stood up in seeking to change dictatorships and hostile governments that oppressed the rights of people, yes, in Haiti and South Africa, and suggested the tools of using embargoes when the family of nations thought that this was an adequate thing to do in order to bring down those people who have a complete disregard of the rights of other people.

When I thought it was not working in Haiti, and before the President made up his mind that he was going to send in troops, I shared with the President of the United States that I thought it was time for us to review our embargo against the people in Haiti.

Certainly in South Africa there were nations all around the world who jointed with us. As a result of the initiatives that we have taken, and even the small role that I played in the Committee on Ways and Means to deny tax deductions to U.S. companies in South Africa that were deducting the taxes they paid to the fascist government of South Africa from their taxes, when that was denied I supported it, and democracy ultimately came.

If I thought for 1 minute that the family of nations thought the embargo was the way to go, and that 34 years of an embargo could ultimately lead to democracy in Cuba, I would be standing with my colleagues saying, yes, let us tighten it. Not only do I think the embargo is not working, but I think that we are now trying different ways to see how we can just show who is more for democracy, who is more against communism.

We do not find this feeling on the floor when we are talking about Communist China. We do not find this sense of being against communists when we talk about North Vietnam. We do not find this sense of communism when we talk about the people in North Korea. No, then we hear that America has to free people through trade.

I sit on the Committee on Ways and Means, which has some jurisdiction as it involves trade. I am there, and I am led to understand that the North American Free Trade Agreement is going to be good for America, that it is going to create jobs as we tear down the barriers of trade between nations.

I hear in the Caribbean Basin Initiative, these poor countries, that we should not give them fish, we should teach them how to fish, they should be able to trade with us. Trade, not aid.

Except for this little island there called Cuba. They are excluded from that. They are excluded from the North American Free Trade Agreement, not by other nations.

So we are being asked right here to say that we want to trade with everybody. We are the leaders in promoting free trade, except we say we are prepared to punish our trading partners if they see fit, in their national interest, to trade with Cuba.

How arrogant. How outrageous. Who is the United States of America to tell

other people, people that we are begging to sit down at the negotiating table to trade with us and other countries, that they should not trade?

But why do I oppose this rule? I do not care how you cut it, something in here deals with trade.

I am on the Committee on Ways and Means. I have worked here a quarter of a century in the Congress and the Committee on Ways and Means. Now for the first time I am on the Subcommittee on Trade. Better than that, I am the senior Democrat on the Subcommittee on Trade in the Committee on Ways and Means. Even though I am not nearly as important as I used to be, trade issues come by my committee, unless Republican chairman talk with Republican chairmen and change certain things.

So along comes this bill, and where would they send the bill? To a lot of committees, but one of them was the Committee on Ways and Means. I could not wait for the bill. I could not wait for it, until I found out that the Republican chairman of the Committee on Ways and Means got together with the Republican chairman of the Committee on Foreign Affairs and said, can we take out anything that would allow us to have any interest at all in your trade bill?

Sure enough, they did it, and without a meeting, without discussion. Chairman ARCHER sends a letter to Chairman GILMAN, and therefore ranking member RANGEL never sees the bill. So we got a rule to tighten the trade screws on this Communist nation, Cuba. We have got to make certain anyone that trades with her is punished. If anybody, foreign, American, it does not make any difference, believes that Castro took any property, come to the U.S. courts and sue.

God forbid if other people start suing America in foreign courts and expect to get a return on it, but distinguished chairman of Judiciary Committees and things like that would straighten out those little international law matters, I am certain. Because in this Congress you do not need a lot of hearings, you do not need a lot of debate. All you need is a lot of votes, and the majority has got it.

Let me say this. This bill has nothing to do with this mean-spirited dictator Castro. It has nothing to do with punishing our trading partners who we beg to come to the Uruguay round, to come to the North American Free-Trade Agreement. All this bill has to do is to see how mean you can be in showing who likes democracy best.

May the record indicate, Mr. Speaker, when it comes to supporting democracy in this country around the world, I want to stand up with those fighters. But this is a bad bill at the wrong time. It is not in our national interest. The President is begging that you do not put it on his desk. He is going to veto it, and everybody who has worked in any State Department, Republican or Democrat, liberal or conservative, knows that this is not in the national interest of the United States of America.

I ask that we oppose this rule and that we defeat this rule and get on with our Nation's business.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 additional minute to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding me the time.

Mr. Speaker, I just want to say that my good friend, the gentleman from New York [Mr. RANGEL], was eloquent as usual. He is always.

I just want to say one thing to the gentleman. He talks about it being arrogant, trying to dictate trade policy from other countries. But there is a big difference, and I mentioned it in my remarks. When we are giving them U.S. tax dollars, we then have an in to tell them what they ought to be doing. If we do not want to give them the tax dollars, the gentleman is right, then we should not be trying to dictate to them.

Another thing is, he talked about the NAFTA, whether or not that was good. That is bad in my opinion. It has been bad for upstate New York. It has been disastrous, We are losing jobs every single day.

He talked about North Korea. He talked about China. There are some Republicans on this side of the aisle that do not think we ought to be doing business with China because of their terrible human rights record. The same thing with North Korea. The same thing with Vietnam and other countries. I just wanted to point that out to my good friend.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, the gentleman from New York [Mr. SOLOMON] is my dear friend and I know his strong feelings about protecting democracies, wherever they are, and, using trade to do it.

I would just like to say that I share those feelings, but I think that we only have one President at a time. I do not care whether it is Republican or Democrat. When it comes to trade and our international interests, I think we ought to give this President a chance, as we did President Bush and President Reagan. Our President asked at this time, do not put this on his desk, and I think he should be respected.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, if the debate was just about the Torricelli bill, the Cuban embargo bill, then I think some of the comments that the gentleman from New York [Mr. RANGEL] made would be quite relevant. But what I ask my colleagues to do is to at least read part of the bill or at least go through the index of the bill, the table of contents or the committee report on the bill. Because as the bill is now in front of us as a substitute, this bill is relatively narrow.

Let us talk about the specifics of what it does. It only deals with foreign companies, non-United States companies that have in some way ascertained, purchased, illegally confiscated property in Cuba. That is all that it deals with in its present form in front of us. That is the bill. That is the issue in front of the U.S. Congress.

Let us just again talk about what that means, the specifics. It is a factory in Cuba, a refinery in Cuba that was owned by an American citizen—someone has left Cuba, now in America, or maybe even an American citizen prior to the change in government—that was expropriated illegally by the Castro government and then sold to a company, sold to a non-United States company. That company now is producing in that factory and getting the benefits of the production of that facility, and an injustice is occurring.

What this bill says is there is a way to right that wrong. The way to right that wrong is to say and use some pretty strong sanctions, and I agree that there are strong sanctions.

My colleagues have mentioned some of the strong sanctions: giving access to the United States courts to the person or, for that matter, the company that has had their property illegally expropriated and then sold to a foreign, non-U.S. company. One of the sanctions deals with visa rights of non-U.S. citizens to even come to the United States of America. There are some strong sanctions in this bill to prevent this from happening, but what I would say is those are needed.

What we have seen, and again I point out to my colleagues, the gentleman from New York [Mr. RANGEL] as well, that the Cuban embargo is really the Torricelli bill that has been in effect several years, not 35 years. The changes that we have seen, and I know Members speak to people in Cuba and I have the opportunity to speak to people, as well, who are visiting the island, who have seen the island, the reality is that Castro is holding on by his fingernails, barely holding on by his fingernails.

I urge the adoption of the rule and urge the support of the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of House Resolution 225, the rule making

in order consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

I thank the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. MENENDEZ], and the gentleman from New Jersey [Mr. TORRICELLI] for their decisive leadership on this important issue.

Mr. Speaker, House Resolution 225 is a fair rule that permits the House to take decisive action on one of the most important foreign policy issues in the Americas. This rule provides ample time for general debate—2½ hours—which will be evenly divided between proponents and opponents of the measure.

I welcome the decision of the Rules Committee to provide for a rule that allows us to act on H.R. 927 despite the crush of business at the end of the fiscal year.

Our committee held a lengthy markup on this bill, affording the minority ample time to offer and debate amendments fully. In fact, we acted on a dozen amendments that dealt with all of the key issues in this legislation. The bill, as amended, won a strong bipartisan vote of 28 to 9.

In response to concerns raised by several other committees of jurisdiction, substantial modifications are reflected in the final text coming to the floor.

H.R. 927 is a sound and important bill. I ask my colleagues to support the rule so we can bring this important issue to the floor

□ 2000

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON], the distinguished member from the Committee on Rules, for yielding, especially since I rise to support the rule and the legislation. I appreciate him yielding time.

Mr. Speaker, I want to strongly support H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I have worked tirelessly on this legislation since its introduction and written significant parts of it.

Mr. Speaker, this legislation strongly endorses the proposition that our policy toward the Cuban dictatorship must address the hard and disturbing realities of Castro's tyranny, not the unwarranted hopes for this dictatorship that some will maintain. It just as strongly rejects the notion that we must formulate policy toward Cuba's dictatorship as if it were not a dictatorship, as if it were a civilized member of the international community. It is not. There is no debate about Cuba's horrendous human rights record, its refusal to allow free and democratic elections, and its wanton disregard for the well-being of its people.

I support a structured rule on this vital piece of legislation. The reason that I support a structured rule in relation to this legislation is simple. Unlike other far reaching legislation, which covers a broad scope of issues—this legislation is issue specific and narrowly tailored to produce a designed result. It can be accepted or rejected on the House floor. I believe it will receive broad bipartisan support.

Do we want to be positive agents for democratic change in Cuba or do we want to squander the opportunity to promote democratic institutions and free markets? I am concerned that misplaced good intentions will delay the establishment of important transitional organizations that will promote freedom in this much oppressed country. I hope that the debate and amendments on this carefully crafted language will present constructive steps to promote democratization and not rehash cold war rhetoric.

This is not the time to abandon the bipartisan policy behind which the Nation united for 50 years and led to the ultimate defeat of totalitarianism. Ten Presidents have waited for the opportunity to bring freedom to America's only neighbor that suffers under dictatorship. It is time to render this regime to the dustbin of history and welcome a new neighbor to the fraternity of free nations.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of H.R. 927. I am from Miami, FL, and for the past 36 years I have supported the Cuban people. They live in Miami, a lot of them do. They are excellent citizens. They work very hard. I have bled with them, I have wiped their tears, I have listened to their pleas, and for many years I have represented them on the floor of the Florida House, even when there were no Cubans on the floor of the Florida House.

Mr. Speaker, I represent them now on the floor of this Congress, and say to my colleagues that this particular rule should be supported tonight, if for no other reason but for humanitarian reasons; if for no other reasons than to say we do not need a dictator in Cuba; if for no other reason to say that if one particular facet of our country is bleeding, the Cuban people in Miami and all over this country, then all of us are bleeding.

Mr. Speaker, Castro is the last remaining dictatorship in the Western Hemisphere and it is a brutal place. The Cuban people will tell us. Do they need freedom? I say yes. And why this rule? By whatever means necessary. By whatever means necessary to get Castro out of Cuba and to free Cuba for the Cuban people, instead of for him.

Mr. Speaker, my colleagues' vote will hasten final removal of Castro from power. We must use some action other than talk against Castro. So by whatever means necessary, let us remove him.

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing may I simply say, especially to my Democratic colleagues and especially to those amongst this side of the aisle who support the bill, everyone obviously is free to vote as he or she may desire. But however my colleagues feel about the bill, the rule does not deserve their support.

Mr. Speaker, not only is it not a fair rule, but many Members were actively misled as to what the provisions of the rule would be and what would be required of them if they were to have their wish to have their amendments made in order.

There are perfectly fair ways, there were and still would be perfectly fair ways in which to handle this controversial and difficult piece of legislation in the same amount of time. We did not need to close down the rule this way and in this particular manner. It is unfair to many who are interested in it.

Mr. Speaker, I would urge Members, however they feel about the bill, to vote against this rule so that in the least we might have a fair rule under which to discuss the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong favor of the proposed rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I tell my colleague from New York, Mr. RANGEL, that I dream of the day when 2 members of parliament who disagree as deeply and as passionately on an issue, that obviously is very close to my heart, will be able to have discussions like we have in this Chamber in a free and democratic Cuba.

Mr. Speaker, the question before us is what can we do as representatives of the great American people to accelerate the inevitable liberation of the people of Cuba from the dictatorship that for over three decades has tortured them and oppressed them. Now, after losing the subsidy of the Soviet Union, it is clinging on to power, holding on to power with that last card available to the dictator, foreign investment with his fire sale at dirt-cheap prices of the entire island.

Mr. Speaker, the action we are taking today in passing this rule and debating and passing this legislation will, without any doubt, accelerate the liberation of the Cuban people. One issue that the gentleman from New York

brought up, I think, is very important to end with.

The issue is that we are acting alone at this time in supporting the Cuban people. But throughout history, it is not the first time that the United States has acted alone and it is not the first time that a great power has stood alone in the world in support of an oppressed people.

Mr. Speaker, I remember reading the history of the American War of Independence. At that time, Great Britain was the great superpower and most of the world was aligned with Great Britain against the struggle of the American people for freedom and independence, and it was basically France and the Cubans at that time, who were forming as a nation and who were still under the flag of colonial Spain, who came to the help of the American people.

Here we have in this Chamber the picture, the portrait of Lafayette, that great French general, who along with other countrymen of his, and Spanish people, people under the Spanish flag in the forming Cuban nation, helped this Nation.

So, Mr. Speaker, we do not have to be ashamed that we are alone standing with the Cuban people. On the issue of Cuba, we only have to be concerned about standing with one people. On the issue of Cuba, we have to be concerned with standing with the Cuban people. We will be proving that we are with the Cuban people, and that is enough for the great American people for their conscience and their history that will reaffirm the greatness of this Nation, that in the 19th century alone stood with the Cuban people after the Cubans fought Spanish colonialism for half a century.

Again, in this era it is telling the international community if they go in there and try to prolong the ruthless dictatorship of Castro, they are going to have consequences against them in the United States of America.

Mr. Speaker, let us support this rule and pass it and let us pass this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORKILDSEN). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 118, not voting 12, as follows:

[Roll No. 681]

YEAS—304

Ackerman	English	LoBiondo
Allard	Ensign	Longley
Andrews	Everett	Lucas
Archer	Ewing	Manton
Armey	Fawell	Manzullo
Bachus	Fields (TX)	Martini
Baesler	Flanagan	Matsui
Baker (CA)	Foley	McCollum
Baker (LA)	Forbes	McCrery
Ballenger	Fowler	McDade
Barcia	Fox	McHale
Barr	Franks (CT)	McHugh
Barrett (NE)	Franks (NJ)	McInnis
Bartlett	Frelinghuysen	McIntosh
Barton	Frisa	McKeon
Bass	Frost	McNulty
Bentsen	Funderburk	Meek
Bereuter	Gallegly	Menendez
Berman	Ganske	Metcalf
Bevill	Gekas	Meyers
Bilbray	Geren	Mica
Bilirakis	Gilchrest	Miller (FL)
Bishop	Gillmor	Molinari
Bliley	Gilman	Montgomery
Blute	Goodlatte	Moorhead
Boehlert	Goodling	Morella
Boehner	Gordon	Murtha
Bonilla	Goss	Myers
Bono	Graham	Myrick
Borski	Green	Nethercutt
Boucher	Greenwood	Neumann
Brewster	Gunderson	Ney
Browder	Gutierrez	Norwood
Brown (CA)	Gutknecht	Nussle
Brown (FL)	Hall (TX)	Ortiz
Brown (OH)	Hancock	Orton
Brownback	Hansen	Oxley
Bryant (TN)	Hastert	Packard
Bunn	Hastings (FL)	Pallone
Bunning	Hastings (WA)	Pastor
Burr	Hayes	Paxon
Burton	Hayworth	Peterson (FL)
Buyer	Hefley	Peterson (MN)
Callahan	Heineman	Petri
Calvert	Herger	Pickett
Camp	Hilleary	Pombo
Canady	Hobson	Porter
Cardin	Hoekstra	Portman
Castle	Hoke	Pryce
Chabot	Horn	Quillen
Chambliss	Hostettler	Quinn
Chapman	Houghton	Radanovich
Chenoweth	Hunter	Rahall
Christensen	Hutchinson	Ramstad
Chrysler	Hyde	Regula
Clement	Inglis	Richardson
Clinger	Istook	Roberts
Clyburn	Jacobs	Roemer
Coble	Johnson (CT)	Rogers
Coburn	Johnson (SD)	Rohrabacher
Collins (GA)	Johnson, Sam	Ros-Lehtinen
Combest	Jones	Rose
Condit	Kasich	Roth
Cooley	Kelly	Roukema
Cox	Kennedy (MA)	Royce
Cramer	Kennedy (RI)	Salmon
Crane	Kildee	Sanford
Crapo	Kim	Saxton
Cremeans	King	Scarborough
Cubin	Kingston	Schaefer
Cunningham	Kleczka	Schiff
Davis	Klink	Scott
Deal	Klug	Seastrand
DeLay	Knollenberg	Sensenbrenner
Deutsch	Kolbe	Shadegg
Diaz-Balart	LaHood	Shaw
Dickey	Largent	Shays
Dooley	Latham	Shuster
Doolittle	LaTourette	Skeen
Dornan	Laughlin	Skelton
Dreier	Lazio	Smith (MI)
Duncan	Leach	Smith (NJ)
Dunn	Lewis (CA)	Smith (TX)
Edwards	Lewis (KY)	Smith (WA)
Ehlers	Lightfoot	Solomon
Ehrlich	Linder	Souder
Emerson	Lipinski	Spence
Engel	Livingston	Spratt
Stearns	Thornton	Weldon (PA)
Stenholm	Thurman	Weller
Stockman	Tiahrt	White
Stump	Torkildsen	Whitfield
Stupak	Torricelli	Wicker
Talent	Traficant	Wilson
Tanner	Upton	Wolf
Tate	Vucanovich	Wynn
Tauzin	Waldholtz	Young (AK)
Taylor (NC)	Walker	Young (FL)
Tejeda	Walsh	Zeliff
Thomas	Wamp	Zimmer
Thompson	Watts (OK)	
Thornberry	Weldon (FL)	

NAYS—118

Abercrombie	Gonzalez	Obey
Baldacci	Hall (OH)	Olver
Barrett (WI)	Hamilton	Owens
Becerra	Harman	Parker
Beilenson	Hefner	Payne (NJ)
Bonior	Hinchey	Payne (VA)
Bryant (TX)	Holden	Pelosi
Clay	Hoyer	Pomeroy
Clayton	Jackson-Lee	Poshard
Coleman	Jefferson	Rangel
Collins (IL)	Johnson, E. B.	Reed
Collins (MI)	Johnston	Rivers
Conyers	Kanjorski	Roybal-Allard
Costello	Kaptur	Rush
Coyne	Kennelly	Sabo
Danner	LaFalce	Sanders
de la Garza	Lantos	Sawyer
DeFazio	Levin	Schroeder
DeLauro	Lewis (GA)	Schumer
Dellums	Lincoln	Serrano
Dingell	Lofgren	Skaggs
Dixon	Lowey	Slaughter
Doggett	Luther	Stokes
Doyle	Maloney	Studds
Durbin	Markey	Taylor (MS)
Eshoo	Mascara	Torres
Evans	McCarthy	Towns
Farr	McDermott	Velazquez
Fattah	McKinney	Vento
Fazio	Meehan	Visclosky
Fields (LA)	Mfume	Ward
Filner	Miller (CA)	Waters
Flake	Mineta	Watt (NC)
Foglietta	Minge	Waxman
Ford	Mink	Williams
Frank (MA)	Mollohan	Wise
Furse	Moran	Woolsey
Gejdenson	Nadler	Wyden
Gephardt	Neal	
Gibbons	Oberstar	

NOT VOTING—12

Bateman	Moakley	Stark
Dicks	Reynolds	Tucker
Hilliard	Riggs	Volkmer
Martinez	Sisisky	Yates

□ 2030

Messrs. WISE, POMEROY, GEPHARDT, FAZIO of California, and HOYER changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2031

The SPEAKER pro tempore (Mr. TORKILDSEN). Pursuant to House Resolution 225 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 927.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for

support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Indiana [Mr. BURTON] and the gentleman from Indiana [Mr. HAMILTON] each will be recognized for 1 hour and 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. TORRICELLI], and I ask unanimous consent that he be allowed to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HAMILTON. Mr. Chairman, I yield 15 minutes of my time to the gentleman from New Jersey [Mr. TORRICELLI], and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we received a copy of a letter today from over 100 people in Cuba, not Cuban-Americans, but Cubans, and in that letter, they stated their support for what we are trying to accomplish here tonight. Some people in this Chamber have indicated that the Cuban people were not for the Burton-Helms or Helms-Burton bill, but the fact of the matter is, many, many, many are. I submit to you that a majority of the people of Cuba want freedom, democracy, and human rights and that is spelled out very vividly in this letter, and I would like to quote very briefly from this letter one paragraph.

Mr. Chairman, it says, "The economic embargo maintained by subsequent American administrations has begun to make its influence, felt not against the people, but against those who cling to power." And he is talking there about Fidel Castro, Raoul Castro and the rest of that Communist dictatorship down there.

Mr. Chairman, I would further like to say that I am very happy that a member of the Kennedy family, the gentleman from Rhode Island [Mr. KENNEDY], has chosen to endorse this piece of legislation, and I noted in the rule that just took place that both the gentleman from Rhode Island [Mr. KENNEDY] and the gentleman from Massachusetts [Mr. KENNEDY] supported the rule, and I would like to read from a statement by the gentleman from Rhode Island [Mr. KENNEDY], the nephew of one of our great Presidents, John F. Kennedy.

Mr. Chairman, he said, and I quote, "The bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom begun by my uncle, President Kennedy.

"We won the cold war because we never gave into communism. By standing firm, we brought down the iron curtain and saw communism collapse in Europe.

"The conditions which prompted President Kennedy to start the embargo have not changed.

"Now is not the time to offer relief to the Castro regime, especially relief at the expense of American citizens who had their property seized when Castro took power.

"This bill prevents the Castro regime and foreign corporations from profiting off the confiscated property of Americans.

"Let's be clear, foreign investment in Cuba means one thing, it is a lifeline to the Castro regime.

"It will legitimize an illegitimate government.

"It will offer protection to a man who must be brought down, just like the communist dictators of Eastern Europe.

"It will postpone the day that the people of Cuba will live in freedom and democracy.

"President Kennedy looked forward to the day Cubans would live in freedom. I share this hope for the future and this bill will help that day come soon."

I want to congratulate the gentleman from Rhode Island [Mr. KENNEDY]. I do not know if he is here tonight, but I want to congratulate him for that statement and for supporting what his uncle started back in the 1960s.

Mr. Chairman, our great Nation has always played a leading role in the promotion of freedom around the world. The inspiration of our Founding Fathers and the model of our Constitution are revered from Tokyo to Timbuktu, from Manila to Managua. Though our example is followed all over the globe, it is in our own hemisphere naturally that the American vision of freedom and democracy has had the most resonance.

Mr. Chairman, it is therefore a particular tragedy that the island of Cuba, so close to the shores of the United States and with which our Nation has such a long shared history and interaction, is still captive to the whims of a megalomaniacal dictator, Fidel Castro.

Freedom in Cuba is a concern not only for Cuban-Americans but for all Americans. Cuba is the last dictatorship in this hemisphere and the only holdout against a democratic tide. A free Cuba will benefit not only its own people, but the people of the Caribbean and Latin America.

The economic potential of Cuba is absolutely tremendous. Before the communist revolution, the Cuban people enjoyed one of the highest standards of living in Latin America, but today, after 36 years of Castro's mismanagement and communism, corruption, and the communist failure, the Cuban people suffer with the lowest per capita income in the Western Hemisphere, with the possible exception of Haiti. Let me restate that. They were the best economy in Latin America when Castro took power and now they are the absolute worst. That tells us what communism does.

The people of Cuba deserve to join the ranks of the millions of people around the world freed in recent years from the communist yoke. They yearn to be able to enjoy the benefits of the free market, of free trade, of investment and opportunity.

Mr. Chairman, with Castro in power, such dreams are impossible. Castro is determined to hold on to power no matter what the cost to his own people. His motto is still, and he said this just recently, socialism or death. That tells you he is in no mood to change. It is quite clear that he is not at all interested in reform, economic or political, for such a move would spell the end of his cruel and vicious dictatorship.

Oscar Arias said not too long ago, "There is no will to reform in the Castro regime." The changes that have been made in recent years by the Castro regime have been taken out of desperation and are only intended to perpetuate Castro's rule. The fall of the Soviet Union and the East Bloc, the so-called evil empire, meant the end of an annual $6 billion in subsidies to Castro. This means that the Cuban economy is in free fall today, having declined by 60 percent since 1989.

Castro is increasingly desperate for foreign currency. The only thing that can keep his regime in power. This is precisely the reason that he has embarked on a campaign to encourage foreign investment at the expense of Americans who had their property confiscated. It is this very lifeline that we must deny to this cruel dictatorship. Our bill is the tool that will deny him his last hope for keeping his regime in power.

Let no one believe the silly argument that the continuation of the embargo harms American business. What kind of business opportunities exist in a pathetic dictatorship where no respect for property rights exists, where investment from the outside is tightly controlled, and where the economy is moving backward at a very rapid rate, I might add, a process that has been described as dedevelopment.

Mr. Chairman, Freedom House rated Cuba dead last, dead last, even behind Somalia in terms of economic freedom in the entire world. Cuba is dead last in the world as far as business opportunity is concerned. It seems to me that despite all the rhetoric and propaganda, Cuba is just not a good business

risk as long as Castro is in power. This is especially so given his track record. This is the same guy who confiscated $2 billion, that is 2,000 million dollars worth of U.S. property in 1962 dollars.

Even without these obvious risks, companies investing in Castro's Cuba today should remember that they will probably not be welcome in a Democratic Cuba tomorrow. I think that point needs to be made. Those who invest in Cuba today, who buy confiscated real estate and property, they are certainly not going to be welcome by those who are in a freely and democratically elected government in Cuba.

Mr. Chairman, besides the business dimension, there is a very serious moral dimension involved. Cuba, according to every single international human rights organization, every one without exception, is one of the worst violators in the world. Hundreds are still in prison for their political beliefs. Since Castro seized power, thousands have been imprisoned, killed, exiled, and tortured.

Just last year, and this is very important—I hope my colleagues will pay attention to this—just last year, a tug boat called the March 13th, full of men, women, and children, was purposely rammed and sunk by Castro's thugs. Over 70 innocent women and children and men drowned. They pulled their boat up, the navy of Castro, alongside this boat with women holding their children over their heads and they directed the hoses at them. When the women took the children down into the hold of the boat, they pulled up alongside, directed their hoses into the hold and drowned those innocent women and children just like rats.

Mr. Chairman, that is the kind of government we are talking about. The Cuban people continue to have their basic rights denied and there is no hope for change under Castro. He has made that very clear. He referred to Gorbachev as a traitor to communism. This is not a man who will ever reform.

Our bill, Mr. Chairman, is a beacon of hope for the people of Cuba. I have here a letter written by the leader of a major democracy movement I alluded to a moment ago and signed by well over 100 activists. They state very clearly once again that the Cuban people support what we are trying to do here and take comfort from it.

There are two major reasons to support our bipartisan bill, Mr. Chairman. First, it is in the U.S. interest to do so. Democracy in our hemisphere is beneficial to all of us and Cuba is today the skunk in the garden party of hemispheric democracy. Our bill will hasten democracy in Cuba. It is also in our interests because American citizens deserve the right, deserve the right, as was stated by the gentleman from New Jersey [Mr. MENENDEZ] a few moments ago, to sue to recover their stolen property. Our bill will give them that right.

The second major reason to support the bill is that morally it is the right thing to do and America always tries to do what is right and just. Our Founding Fathers firmly believed that freedom is the deserved legacy of all people wherever they may be around the world. In promoting freedom for the people of Cuba, our neighbors, our brothers, we do nothing less than follow in the hallowed footsteps of our own Founding Fathers.

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

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I rise to strongly support H.R. 927. I acknowledge the sponsor's intention in hastening Castro's downfall, which I would like also, yet I believe that both the premises and the specifics of the bill are fatally flawed.

I believe sincerely that the bill will backfire. First, the bill will give Castro the nationalist card again that he always plays. He has learned to thrive in the face of U.S. hostility.

□ 2045

Let us not give him another chance to rally his people around the American imperialist threat. The measures in this bill will give Castro another chance to play the victim. Every time we have him on the ropes, we allow him to escape with another embargo. We are the only country in the world that has embargoed this nation. This dictator will again blame the United States for Cuba's economic problems and he will likely throw open his borders again for another boatlift across the Florida Straits, inundating South Florida.

As a representative of south Florida and a native there, I am very concerned about the strain of the boatlift again. This is like the Tale of Two Cities. It is the best of times and the worst of times. The best of times is the quality of the people who have come to the United States from Cuba, three of whom are in the Chambers tonight, the gentleman from Florida, LINCOLN DIAZ-BALART, the gentlewoman from Florida, ILEANA ROS-LEHTINEN, and the gentleman from New Jersey, BOB MENENDEZ.

The worst of times is the quantity of people who have come from Cuba to the United States. Over 10 percent of the Cuban population, 700,000 people, now reside in Dade, Broward, and Palm Beach County. As they say, they are great citizens, but the strain of the infrastructure from any large immigration of that nature puts a great strain on the infrastructure. It has nothing to do with ethnicity. They could be Norwegian or Japanese or Germans, but 700,000, 10 percent, is too many, and I again am afraid it would open the doors.

I lived in south Florida in 1959 when Batista fell. I was in there in 1980 for Mariel, and I still live there. The provisions of this bill play right into his hands, and Cuba's communism will pass of a natural cause. It seems to me that every time he gets in trouble, we throw him a life jacket.

Let us not continue to prop up Castro with another self-defeating measure as this resolution. According to Carl Hiaasen, a respected columnist for the Miami Herald, and I quote, "The man has outlasted eight United States presidents and the trade embargo sits in Havana waiting for the next page of his script. He has been acting the same sorry play for 35 years because we keep giving him the material." Castro's material is the nationalist trump card, and let us not give it to him again.

Second, this legislation is based on a false premise that cutting off Cuba economically and politically will expedite his fall. To the contrary, I believe that a free flow of political and economic ideas is critical to the downfall of communism, just like it was in Eastern Europe when we allowed the Hungarians and the Rumanians and the Poles to look over the fence, they threw over communism and they threw over their dictator.

We have had this embargo in place now, as I said, eight presidents and now 33 years, and Castro is still with us. The way to get rid of him is, and I quote now from Stephen Rosenfeld of the Washington Post, "We had reason for concern in the days of Soviet adventurism and Cuba revisionism and subversion. But now Cuba represents no threat and it is a failed revolution to boot. The embargo has been on for 33 years. Is not a third of a century a sufficient test of whether our policy is working?"

I believe it is time to change. It is time to lift the embargo. We should seek a policy of positive engagement with the Cuban people, not with Fidel Castro, a policy which has demonstrated a track record in lessening and weakening the grip of communism. We share all the goals of encouraging a peaceful transition in Cuba, a transition with as little human suffering as possible.

I have talked to Cuban-Americans in south Florida who believe that if we had changed our policy earlier, Mariel would have never happened and Castro would have been long gone. Simply put, the embargo has failed. Clearly, my major objection to the bill is philosophical. Yet I have another one with somewhat more objective specifics. Several provisions of the bill call for extraterritorial reach of the United States law which is highly questionable under international law.

I strongly urge that this bill be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I am very happy to yield such

time as he may consume to the gentleman from New York [Mr. GILMAN], the very competent and fine leader of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act does more than "stiffen sanctions" on Cuba. It has three constructive objectives:

To bring an early end to the Castro regime by cutting off capital that keeps the regime afloat;

To start planning now for United States support to a democratic transition in Cuba;

And, to help protect property confiscated from United States citizens that is being exploited today by foreign companies that are profiting at the expense of the Cuban people.

By passing this LIBERTAD Act with wide bipartisan support, Congress will force the Clinton administration to turn its energies to bringing about genuine, fundamental change that we all want in Cuba.

This legislation advocates a responsible course to encourage and support genuine, fundamental reforms in Cuba. And, in the meantime, it helps protect the property of U.S. citizens until they can reclaim it under a democratic government.

Mr. BURTON has worked with a strong bipartisan coalition. With the help of Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. MENENDEZ, and Mr. TORRICELLI, he has fashioned a sound piece of legislation.

The Burton bill will make a difference for the better in Cuba and advance one of our most critical foreign policy objectives in the Americas.

Some critics of this legislation have argued that we should abandon our embargo as a relic of the cold war. I disagreed with these activists when they advocated a softer line on Castro when he still had troops in Africa and surrogates in Latin America. And I disagree with those critics today.

However, we do agree that it is immoral to accept the status quo without taking new measures now to hasten definitive change in Cuba. Based on a fair reading of the facts, I believe the Burton bill leads in the right direction.

We must consider that Castro did not feel the brunt of our embargo until the $4 to $5 billion in annual Soviet support dried up in the last few years. To put the size of this Soviet support in perspective, total United States economic assistance to all of Latin America and the Caribbean, with 40 times Cuba's population, exceeded $2 billion in only 7 of the last 35 years. Deprived of the Soviet subsidy, Cuba's economy has shrunk by 50 percent since 1989.

Those who have tried to cajole Castro toward reform have failed miserably. For decades he has flatly rebuffed the approaches of such friends as Mexico and Spain. And he has rejected the trend to democracy and respect for human rights in the Americas.

Despite their efforts to encourage reform through dialog, Castro's eager trading partners in Europe, Canada, and elsewhere are left to grumble about continued systematic, omnipresent repression in Cuba.

The 1994 report of the Inter-American Commission on Human Rights observed:

> The human rights situation in Cuba is extremely serious * * *. The deterioration in living conditions, the repressive control exercised by the state through the security agencies against individuals and groups who differ with the regime, and the extreme economic difficulties * * * caused a mass exodus of persons who put out to sea on makeshift rafts in search of new horizons, despite the fact that they were taking their lives in their hands by doing so.

For those who are quick to blame Cuba's desperate condition on United States policy, the Commission, which is respected for its fierce independence, observed, "The Cuban crisis has, primarily, deep internal roots."

However, instead of adopting genuine reforms that would liberate an economy that flourished before his revolution, on September 5 Castro approved a foreign investment law in a desperate effort to raise capital.

His so-called reform does just enough to attract unscrupulous investors with the opportunity to exploit Cuban workers who are paid a slave's wages and forbidden to strike. These investors are also attracted by property that was illegally confiscated from Americans. Ironically, even the corporate scavengers who have been looking to make a quick buck in Cuba have panned Castro's new foreign investment law:

The reason is that private property still does not exist in Cuba, so investors cannot take title to property. Castro retains absolute right to cancel all ventures, with the property involved reverting to the state. And, the regime will continue to control the labor supply and dictate contract terms.

These are not real reforms that benefit the Cuban people. By thwarting Castro's effort to hold on to power, we are sparing the Cuban people further exploitation and helping bring their dictator down.

How does the Cuban Liberty and Democratic Solidarity Act propose to break this tragic status quo?

First, it reaffirms longstanding United States policy toward Cuba, turning back efforts within the Clinton administration to warm relations with the regime.

Second, it requires the President to plan now to support a democratic transition, and it sets principled conditions under which the embargo will be suspended and certain types of U.S. assistance could be provided to a new government.

Third, it allows U.S. nationals to sue foreigners who exploit property stolen from them by the Castro regime. The simple purpose of this provision is to pose a stark choice between trading with Castro and trading with the United States.

Mr. Chairman, it simply makes no sense to lift our embargo just as the Castro regime is on the ropes like never before.

Normalizing relations without verifying fundamental political and economic reforms would merely resuscitate a fading dictator who is the chief obstacle to real reform. Trade with Cuba today only benefits the repressive ruling class, prolongs Cuba's anguish and structural poverty, and destroys United States credibility with the Cuban people.

Mr. TORRECELLI. Mr. Chairman, I am pleased to yield 2 minutes to my friend, the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. I thank my friend, the gentleman from New Jersey, for yielding time to me.

Mr. Chairman, I would like to rise in strong support for this legislation and to acknowledge the bipartisan support of the legislation by the gentlemen from Indiana, Mr. BURTON, and to thank my friends, the gentlemen from New Jersey, Mr. TORRICELLI and Mr. MENENDEZ, for their excellent leadership on this issue.

If we have learned anything in the last 10 years, we learned that America's greatest asset is not our military might or our industrial or economic strength. It is the power of our ideals and the impact that those ideals have on people around the world. Some people argue against this bill by saying America should not be out their by ourselves. I was proud that we were the first to step forward in many ways and lead the effort to dismantle the apartheid regime in South Africa. We did things by ourselves in that effort that we should have done. On the day, Mr. Speaker, that I took office as a Member of Congress, Nelson Mandela was in prison. Today, he is president of his country in a free election.

There are those who say that the best policy is incremental change, negotiation with those who would suppress human rights, as Castro has done. There were those who said that about the Soviet Union, and I think that one of the lessons of the 1980's is that where you meet tyranny with appeasement, where you meet tyranny with incremental change, you get more tyranny, not more progress.

There are those, and this is the toughest argument, who would oppose this bill because they talk of the very real plight and very real suffering of the Cuban people. Certainly we are sympathetic to that but we have come to this conclusion. As we did with the people of Eastern Europe where there

was suffering, when we stood firm against the tyranny of the former Communist rulers in Eastern Europe, when we took the side of freedom and human rights, we have today achieved a result where we are no longer worried about leaders exploiting the freedom of their people. We are worried about people exploiting their freedom to the best use of their countrymen and countrywomen.

The time has come for us to once again take the lead on the international scene, to stand behind our principles with our actions and our dollars and to support this piece of legislation.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, our own enlightened self-interest ought to be our guide to a pragmatic policy with respect to Cuba. Instead, we have in this bill yet another iteration of an outdated, outmoded ideology, mindless isolation. What is the United States self-interest here? What should be our objective? It should be a peaceful transition to a Cuba with an open economic system and a democratic political system. What is the best way to achieve that objective? I submit that our recent experience is instructive here, our experience with the Soviet Union, our experience with Eastern Europe, our experience with China and even Vietnam, and that is an experience of engagement; engagement economically with trade and investment, showing the virtues of our economic system on the ground, in person, in their face.

Engagement ideologically with the free exchange of information and people, unimpeded travel of human beings and ideas. Our engagement culturally, cultural exchange, humanitarian involvement.

What are we afraid of here? We should be so encouraged by the ultimate success that we have enjoyed with the former Communist world and that we will enjoy with the soon-to-be former Communist world that we should be itching to apply the same lessons, the same strategy in Cuba. What are we afraid of? A small island nation with no strategic allies and a failed economic and political system.

Only a few weeks ago this House accepted the wisdom of a strategy that began with Richard Nixon, a strategy of engagement with respect to China in extending MFN another year. As much as we despise the human rights abuses, the political tyranny and all the rest that is objectionable in China, we understand that it is in our self-interest to engage with them on a broad range of activities, just as we did with the Soviets.

□ 2100

Just as we did with the Soviets, we understand that with regard to China that ultimately poses much greater risks to this country than Cuba, and we acted on that understanding precisely because we know that engagement politically, economically, culturally, that engagement holds out the best hope of avoiding those very risks, economic or military.

Why is that strategy not just as valid for Cuba? Perhaps because U.S. policy with respect to Cuba has for too long been captive of a hard-line ideology, an ideology driven by a group that may be more interested in settling old scores than setting a new course.

This bill takes U.S. policy in Cuba in exactly the wrong direction. It is absolutely contrary to the long-term self-interests of the United States. It will increase the prospect of a violent change that could present a real security and immigration crisis for the United States.

Let us learn from recent history, Mr. Chairman. Have the courage to say "no" to narrow ideology, to say "no" to special-interest-group domination of U.S. policy toward Cuba, and "no" to this bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 15 seconds.

We had an embargo against South Africa, against Haiti just recently, against Libya. My colleagues on the other side of the aisle, many of whom have spoken already, supported those embargoes. This is a more important embargo in my opinion than any of those.

Mr. Chairman, with that, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. I thank my friend from Indiana for yielding me the time.

Mr. Chairman, I rise in strong support of the Cuban Liberty and Democratic Solidarity Act. I want to commend Chairman BURTON and Chairman GILMAN for moving this very important piece of legislation.

Perhaps the gentleman from Colorado does not recall, but I certainly do, that it was not engagement that collapsed the Soviet Union and the Soviet empire. It was containment. That is the policy that we are exercising in Cuba, especially with the passage of this act.

Cuba today continues under Fidel Castro to be an oppressive Communist relic of the cold war. Castro retains his backward totalitarian regime only 90 miles from our shore. He continues to imprison his opponents and to imprison human rights activists and persecute them unmercifully in the country of Cuba.

Basic freedoms are routinely repressed. Cuban prisons are full of political prisoners. I have met them by the tens, almost hundreds. I have to say that some of them have stayed and lived for 10, 15, 17, perhaps as long as 20 years in single cubicles. I have been astounded by the tales of torture and imprisonment and abuse of human rights. Yet we see that his failed economic policies are collapsing the country. I cannot believe what I hear, that the opponents of this legislation say it is time to engage with Castro. The fact is it is time to tighten the sanctions and end Castro's ruthless dictatorship.

Since the cutoff of Soviet assistance in 1991, he has launched a desperate campaign to lure foreign investment to Cuba, to generate hard currency to sustain his repressive apparatus. We must not allow Castro to prop up his failed government with foreign investment and properties which were confiscated from U.S. citizens. H.R. 927 permits American citizens to recover damages from foreign investors who are profiting from their stolen property in Cuba. This bill will block the foreign investment lifeline which still keeps Castro's regime alive and it will create a right for U.S. citizens to sue any individual or corporation which knowingly and intentionally trafficks in confiscated property of U.S. nationals. It also denies entry to the United States of any person who trafficks in such confiscated property. These are logical steps which compel international companies to confront a very fundamental choice. You can either ignore U.S. property rights to engage in business as usual with Castro or you can retain access to the world's largest market.

Only by ending Castro's access to foreign capital will we succeed in bringing his dictatorial rule to a halt.

While I strongly support the stick approach of increased economic sanctions to force Castro from power, I also support the carrots which are included in this legislation. I urge the adoption of this bill. It is needed and Castro's rule must come to an end.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise to strongly oppose H.R. 927.

At this time in our history, when we take such pride in declaring the end of the cold war, we should be moving toward demilitarization, breaking down cultural, economic, and social barriers, and extending a peaceful hand to our neighbors worldwide. Instead, with this bill, we are choosing to escalate economic war on a small country that poses absolutely no threat to our country.

The United States cut off trade and travel between the United States and Cuba in 1960, in retaliation against Fidel Castro and his Cuban revolution. Thirty-five years later, it is clear that the embargo has failed.

H.R. 927 now calls for even tighter restrictions. But let us take a closer look at the facts.

At the same time we are moving to establish diplomatic relations and open new markets with Vietnam, this bill will further restrict United States companies and loan institutions from trading freely with other countries and foreign companies. It will violate GATT and NAFTA by denying visas to people doing business with Cuba. And it will cost the taxpayers millions of dollars by committing our Federal court system to thousands of additional claims for expropriated Cuban-owned property.

The only tangible result of the embargo has been the resentment of average Cuban citizens. Rather than discrediting Castro, Uncle Sam has gotten the blame for the island's hardships. It is time to end the embargo, and bring this cruel legacy of the cold war to an end.

I urge my colleagues to vote against this bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the very distinguished and helpful gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, the debate here tonight reminds me of the remarks by Benjamin Franklin, who once said, "There is nothing so tragic as the murder of a beautiful theory by a gang of brutal facts." What the opponents of this bill have is a beautiful theory: that Castro will reform if only you treat him nicely, that repression is easing in Cuba, and that economic liberalization is commencing.

But the brutal facts are that the repression is increasing, that worker exploitation in Cuba has returned serfdom to our hemisphere, and that the struggle for freedom for the Cuban people against the Castro dictatorship remains as difficult as ever.

But do not take my word for it. Listen to Castro's own spokesmen. Castro's Foreign Minister, Roberto Robaina, who said just recently, "For our enemies, the ideal would be to see us multiseparated, multidivided, and for that, they demand that we return to a multiparty system. That will not happen."

Trabajadores, one of Castro's journalistic puppets, recently said about the new foreign investment law in the country, "There is nothing in the investment law which weakens the leading role of our communist party." Clearly, these new cosmetic steps by Castro are not toward political or economic liberalization, but toward the extension of his cruel regime.

Opponents of this legislation talk about investments in Cuba, the millions of American dollars that should be going out to the investment market in Cuba. However, such talk misses the point, for the bottom line is that the situation in Cuba is not about investment or profiteering. It is, and should be, about the lack of freedom and human rights for the people of that island nation just 100 miles from my community of Miami.

What is the reality of Cuba? Unfortunately, the answer to this question is quite simple. For Cuba, under the Castro dictatorship, instead of progressing is regressing, not only economically but in the development of freedoms and liberties for its people. The Castro regime attracts investment by highlighting its repression of their workers. A Castro economic minister recently said, "We are free from labor conflict. Nowhere else in the world could you get this tranquility."

Mr. Chairman, Cuba has become one of the last bastions of tyranny in the world. Amnesty International describes the human rights situation in Cuba as "Members of unofficial political, human rights and trade union groups continued to face imprisonment, short-term detention, and frequent harassment."

The State Department and Human Rights report states that, "The authorities were responsible for the extrajudicial killings of citizens fleeing the country. The government sharply restricts basic political and civil rights, including the rights of citizens to change their government; the freedom of speech, press, association, assembly and movement; as well as the right to privacy and various workers rights."

These are just 2 examples of the human rights situation on the island, but Castro's long list of dubious achievements does not stop here. We should not forget that Castro's regime remains listed by our State Department as a state that promotes terrorism, and the FBI has acknowledged that the tyrant holds dozens of fugitives from American justice.

For decades the United Nations and foreign nations have refused to hear the cries of the desperate Cuban people. Even some of our colleagues who have supported economic embargoes to help the aspirations of freedom in other nations turn a blind eye toward Cuba.

This Congress, this country, should not engage in similar immoral conduct. This bill that we propose here today signals that the Congress of the United States will not sit idly by as unscrupulous investors and nations choose to make a quick dollar and conduct their dirty business with Castro, at the expense of the freedom and livelihood of the suffering people of Cuba.

As I have said, this legislation sends a clear and simple message. If you invest in Cuba by trafficking in confiscated American property, you can forget about doing business in the United States. Already, Mr. Chairman, this legislation even before it has been implemented is having the desired effect. The June 23 edition of the Miami Herald reported that investment in Cuba has been decreasing because of the threat that investors feel about this legislation.

No wonder that the Castro regime has mounted an unprecedented international propaganda campaign against this bill. The reason is because it threatens to cut its lifeline that maintains this evil regime in existence.

Mr. Chairman, it is highly cynical to believe that Castro and his henchmen, after more than three decades of absolute rule, will transform overnight into George Washingtons. This simply is not reality, it is a pure fantasy.

I urge my colleagues to support freedom and democracy in Cuba by supporting this legislation.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in opposition to this bill. This bill is not likely to lead to democratization or political or social reform in Cuba. What it will do is create tremendous legal, business, and foreign policy problems.

In terms of legal problems, the idea of settling foreign land settlements, claims, in our courts sets an unbelievably bad example. Not only will it clog up our courts, but the precedent it sets for other immigrant Americans who have had their property seized I think is a wrong one and one that we will live to regret.

Of course, most of those settlements will result in default judgments, but it is precisely the kind of thing that will strengthen Castro's hand. The threat of all these land claims being settled in favor of the claimant is just what Castro needs to stay in power. It will create business problems. Those American corporations that hold the key to advancing the free enterprise system in Cuba will be prevented from being able to deal with Cuba when a transitional government begins, as it inevitably will, in Cuba.

□ 2115

It will create tremendous foreign policy problems. In fact, just at the point when the President will need to be able to help a transitional government in Cuba, it ties his hands with unbelievably rigid requirements.

It also completely undermines NAFTA that we just passed on the floor of this House. Our relationship with Mexico, with Canada, with our European allies, will all be undermined.

This bill does not advance the national interest of the United States. We ought to work on an approach to pressure Cuba on human rights and provide support to post-Castro Cuba. But this bill does just the opposite.

It would be better to support democratization in Cuba by encouraging the free flow of information and dialogue

between the United States and Cuba and working with our allies and nongovernmental organizations to pressure Cuba for human rights and Democratic reforms. That is how we have shown success in our dealings with other countries, the Soviet Union in particular. We know what works and we know what does not work.

Those who support the increased isolationism of Cuba should explain how and why they think this policy can work, after it did not with Eastern Europe and the Soviet Union. And, in fact it was that beginning of openness, that Perestroika, that enabled communism to go down to defeat, just as Castro's communism will go down to defeat one day if we play it smart.

Mr. Chairman, I should also say that it is the attitude on the part of some people promoting this bill that is precisely the same attitude that contributed to the rise of Fidel Castro in Cuba. The classism, the racism, the elitism, the greed. That is why we have Castro 90 miles from our shore.

This is not a bill that is in the interests of the United States. It is in contradiction to our foreign policy. It is in contradiction to our attempts to open trade with both our allies and with countries who have the potential to develop a free enterprise system.

Mr. Chairman, it is certainly not in the interests of our U.S. judicial system to create a precedent that will clog up our courts inappropriately. I urge my colleagues to vote against this bill and to take the kind of constructive steps we have taken in the past to remove Castro and to establish a Democratic free enterprise system of government in Cuba.

Mr. TORRICELLI. Mr. Chairman, before yielding to the gentleman from Florida [Mr. DEUTSCH] I want only to say as a Member of this House who has given several years of my career to working against Fidel Castro and for freedom for Cuba, it is only out of profound respect for the gentleman of Virginia [Mr. MORAN] that I did not rise in opposition or, indeed, objection in having our motives questioned or being compared with the Bastista regime in our using this vehicle to fight for freedom in Cuba.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I have sat here for about 2½ hours listening to a variety of debate about Cuba and free trade and about the cold war and what I would point out to my colleagues is that all of that is wonderfully interesting debate, but it just did not have a heck of a lot to do with this resolution that is in front of us.

This resolution deals with some very specific things. It does not deal with global cold war policy. What it does specifically is it deals with non-U.S. companies that have purchased illegally seized property and gives them a right to seek justice in American courts. That is what this legislation does. That is what it does.

Mr. Chairman, it does not deal, again, with the cold war, with big picture stuff. And there are plenty of issues that we can debate, and there may very well be other bills to debate those on. But I tell my colleagues, it is kind of hard to argue against what this bill does.

Think about it. Just simple justice for Americans who might have owned property in Cuba, or Cubans who left Cuba and became Americans, who are American citizens now. They owned a factory in Cuba, and they left because of the repressive regime. It could have been in the 50's or the 60's, or it could have been in the 80s for that matter, and then a non-U.S. company bought that factory or bought that refinery that was illegally seized from the government that illegally took that factory and is making money off of that factory.

Mr. Chairman, what this bill then says, if it is adopted into law, is that that U.S. citizen, or for that matter that U.S. company, has a right to seek justice, to seek compensation for what occurred. Yes, there are sanctions for those companies that bought illegally seized property and those sanctions are really somewhat severe. They deal with visa restrictions and a variety of other things. But for this to work, that is what we must do.

Again, I remind my colleagues that Castro is holding on by his fingernails in terms of his economy. He is using this expropriation and property thing even today. And for us not to pass this legislation is really effectively to support his regime. That is the effective result of failure to adopt this legislation would do.

Mr. Chairman, the message that it sends to Castro in particular is that he can seize property of Americans and get away with it. It is wrong. We need to adopt this legislation. We need to understand the specifics of it.

Mr. Chairman, I urge my colleagues to support the adoption of the legislation.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I welcome this opportunity to oppose this legislation. It shows that in this great country people can have the same goals, but that in these halls that we can debate the manner in which we hope to achieve it.

Mr. Chairman, after the last debate on the bill, one of my friends that took an opposite side on the rule said, "If you are really concerned about freedom in Cuba, if you are really concerned about getting rid of Castro, why do you not talk more about that?" So, Mr. Chairman, I elect to do it.

Mr. Chairman, I would like to say, "Hey, Mr. Castro it is all over for dictators. Communism has failed. Stop blaming America and stop blaming the embargo. Stop fooling the Cuban people in believing that it is the United States' embargo that has denied the Cuban people an opportunity to dream and to think that they can aspire to improve the quality of life."

"Stop telling the American people over here in New Jersey, and the people in Miami, to keep putting up this embargo so that you can stay there as long as you want. Yes, Mr. Castro, stop making it appear as though that it is the United States of America, and allow us in these halls of the United States Congress to be able to say that we think the way to get rid of this guy is to let some sunshine in."

Mr. Chairman, let us see what is happening in human rights. Is the way to show the violation in human rights in Cuba to have a handful of people in Cuba say we cannot go there? Give me a break. We are creating somebody out there. We are responsible for that dictator.

Mr. Chairman, if we want to get rid of him, open up the doors of trade. Let in students and doctors and artists. Let us exchange, show them that America is the showcase of democracy. Do not have this bum running around saying, "Americans in the United States Congress say we cannot sell you food, we cannot sell you medicine, we cannot allow your kids to come here. You cannot come to the United States of America."

What kind of country is the United States of America that we are going to be afraid of a handful of socialists, or whatever they call themselves over there?

This great republic can stand up against the Communists in all of what used to be the Soviet Union, and we are scared of a handful of people that Castro has got over there? We are out of our minds.

This great Nation can stand up against a billion Communist Chinese, run over there and spend their money, but we are scared of a handful of guys in uniform in Cuba?

This great Nation can go to North Vietnam and North Korea and have our businesspeople trade and have our students sing, laugh, trade information, and come back as Americans and not be afraid of them, but we are scared to death of this bum Castro?

Why not let America's voice be heard by what we sell best? We sell democracy. We sell contracts. We sell food. We sell medicine. We sell ideas. And we win at it.

Do you colleagues know why we win at it? Because that is why we got the North American Free-Trade Agreement. That is why we have got GATT. That is why the United States of America leads in trade. That is why we have

got Ron Brown. That is why we have got the Department of Commerce. We are salesmen. We produce and the world buys.

But when my colleagues say "embargo," it means do not talk, do not send reporters, do not let people see, Hey, America has got a great country. Let us see it. Let us see what is going on in Cuba. Who are we to tell Americans that they cannot go to Cuba? That we cannot have protection in Cuba? Are we afraid of this little island country in the Caribbean? They must be selling something that we better take a good look at.

Let us stop saying that we are afraid of Castro. The only way to get freedom in Cuba is to act as though America has got so much of it, so proud of it, that we can go any place and everyone would say, "I want to be like you."

But if we cannot allow them to come and listen to our music, our poets, our educators; if we cannot listen to their scientists and their doctors; if we cannot prove to them that America has more to offer than this overweight, old bearded guy that runs around there in combat boots, what kind of republic are we?

Mr. Chairman, I challenge my friends on the other side, tell the people in Cuba that it is not the American people that are doing this to them. We want to send them our food, our medicine, and our scholars. I think this bill separates Americans from Cuba and it is an impediment to democracy in Cuba.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say to the gentleman from New York [Mr. RANGEL], my learned colleague, we are not afraid of Fidel Castro. I do not know where the gentleman got that idea, that we are afraid of Fidel Castro. But we certainly are not afraid of Fidel Castro.

Mr. Chairman, what we are concerned about is what he has done to the Cuban people; what he has done to the American people who had investment down there, whose property was confiscated, that he took away and is now trying to sell for hard currency so he can survive.

We are concerned with people like Armando Valdarez, a patriot that stood up against Castro who spent 22 years in the Cuban gulag, was tortured, and has told all sorts of stories about what goes on down there. He wrote a book called, "Against All Hope." I read it on an airplane and started crying, because of the atrocities perpetrated by Castro. People on the plane thought I was nuts, but the horrible things that he has done were so earth shaking to most people with heart that they say, "Some monster like that has to go." He continues that same policy today.

Mr. Chairman, he is not fit to rule. He rules by coercion. He rules by brute strength and power. That kind of thing we cannot tolerate. The gentleman from New York [Mr. RANGEL] says he is against embargo. The gentleman voted for the embargo on Haiti and for the embargo on South Africa. My colleague cannot have it both ways. The gentleman does not believe in this embargo.

Mr. Chairman, the fact of the matter is that the money that goes to Fidel Castro's regime for a hotel that is built down there for the employee, he equates the currency of Cuba with the dollar.

□ 2130

He says that they are equal in value. The actual fact of the matter is, it is a 70 to 81 differential. And he takes money from people that pay the salaries of Cubans who work in these hotels, let us say it is $400 or $500 a month, and he pays them back in pesos, which equates to $3 to $4 a month.

If we read what the American Institute For Free labor said in part, the growing number of partnerships between foreign investors and Cuban Government agencies has not improved a lot of workers or provided them with greater autonomy. Instead, the Cuban Government has used the exploitation of working people and the absence of free association as a lure to attract investors, often to the detriment of workers in neighboring countries.

The fact of the matter is, Castro believes in socialism or death. He does not care about the working people down there. Their plight has gone straight downhill since he took power. The only way it is going to change is for him to exit the scene, for him to exit the scene. The fact of the matter is, he was getting $4 to $6 billion a year from the old Soviet Union; he is not getting it anymore. The only time the embargo has started to work is in the last 2 to 3 years when the Cuban Democracy and Freedom Act sponsored by the gentleman from New Jersey [Mr. TORRICELLI] passed. That is when the embargo started to take hold and have teeth and work, and Castro has been on the ropes ever since.

He is scared to death. He had people in the Committee on Rules yesterday watching what went on, because he knows, if this bill passes, he is not going to be able to get the hard currency he needs to survive. His days are numbered, and we should not throw him a lifeline, we should throw him an anchor. And I submit to you, this bill is an anchor.

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

Mr. BURTON. I yield to the gentleman from New York for just a moment.

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, All I am saying is that I share the same feelings about this person who is a dictator, and I hope that that would be understood. I have more feeling that this country has more power than any Communist, whether they were in China, whether they are in the Soviet Union, wherever they are, I have confidence in my Government.

When the President of the United States says that this is not in our national interests, when our Secretary of State says this is not in our national interest, as an American, the gentleman from Indiana [Mr. BURTON] said, one President at a time, and that is my only point.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I might just say that I believe we are going to find that the President may have a position and the Secretary of State may have a position, but I will submit that tomorrow probably 300 Members of this body will have a different position, because we studied the issue and we want that man out of power.

This is going to pass overwhelmingly, because the people of this hemisphere and the people of this country want freedom, democracy and human rights for the people who have suffered over 30 years in Cuba.

Mr. RANGEL. Mr. Chairman, if the gentleman would yield, this will never become law in this country, and the gentleman knows it. It is going to be vetoed and will not be overridden. The gentleman knows and I know that this is theatrics, and it will never become law.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I will say that I do not believe that. I believe it will become law and we will just see.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 927 and urge its passage.

The cold war was worth fighting. The cold war was worth the cost, and we won. But one of the last outposts of the evil empire still remains only 90 miles south of us, and we cannot forget that. Cuba is still Communist, Cuba is still totalitarian, and Fidel Castro still scorns the principles of freedom and democracy.

The men, women, and children of Cuba continue to suffer as a result of a tyrant who is utterly insensitive to the rights and the lives of his own people. Now, after 36 years, we are finally in a position to put an end to Castro's vicious regime. Now of all times is not the time to dither or to duck.

For the sake of democracy and for the sake of so many people whose lives have been torn asunder by a reprehensible dictatorship, I urge my colleagues to support the Libertad Act.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished

gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I am grateful to my colleague, Mr. HAMILTON, for this opportunity to explain why the passage of Mr. BURTON's legislation, would be, in my opinion, not only a grave policy mistake by this body, but, would set in motion actions which would deliberately inflict upon the Cuban people suffering and deprivation. At worst, this legislation is a cruel attempt by Members in both bodies—who are still fighting the cold war—to provoke civil disorder in Cuba. Today we need to send a wake-up call to those cold warriors in our midst—the cold war has ended. We won—remember.

What threat does the Government of Cuba present to the territory or people of the United States which would justify unleashing further pain and suffering and, I would warn, possible bloodshed, among the people of Cuba.

The United States is the only world superpower. Our military might dwarfs that of the combined armies and navies of Europe and certainly of the Americas. We maintain an armed, military presence, on the Island of Cuba—how many of you appreciate this reality.

This country maintains an armed, military base on Cuba's southern coast. The U.S. controls 45 square miles of southern Cuba, including a harbor, naval docking and ship repair facilities ordinance, supplies and administrative facilities—we even have two water distillation plants. This U.S. military base includes both a naval and an air station. Over all—the United States military has a base right inside of Cuba which is three-quarters the total land area of the District of Columbia. One of the stated military mission for our base in Cuba is to serve as beachhead in case the United States decides to invade the Island. It costs the American taxpayer over $45 million a year to maintain this military base.

Now, it looks to me like the military threat is reversed—it appears to me that this island presents no military or strategic threat to the territory of the U.S. Why then are we considering legislation which appears to some to be designed to make economic and social conditions in Cuba so difficult for the average citizens, that these difficulties would create civic disorder, which would then provoke the Castro government to take measures against its population, which will result in increased violence and disorder on the island, which will be used as a pretext for United States military intervention.

At best, this legislation will have no effect upon the Cuban Government's hold on power, but will reveal to the international community the mindset of United States elected officials—who are so trapped, by old ways of thinking and by false pride, that they would act against a foreign government which poses no threat or danger to the national security of the United States of America. Now, Cuba has always been a peculiarly emotional issue in United States foreign policy. Past United States interests with regard to Cuba were of a security nature and had more to do with Washington's global rivalry with Moscow than with Cuba itself. In the early sixties, United States officials maintained that it was not the socialist nature of Cuba's system which drove United States opposition rather it was our Government's concern with Cuba's interventionist foreign policy and its military ties to the former Soviet Union.

The Carter administration added to this list, its demands that Cuba demonstrate greater respect for human rights.

As recently as 5 years ago United States barriers to improved relationships with Cuba were still conditioned by Cuba's commitment to the export of armed revolution and its close military ties to the Soviet Union. For 33 years the primary United States policy initiative responding to our criticisms of Cuba's foreign policy has been to maintain an economic embargo against Cuba. In one form or another this United States economic embargo against Cuba has been the policy of the last nine United States Presidents.

Since H.R. 927 is designated to tighten the economic blockade against the Cuban people, it behooves those who would agree to such action to examine more closely the history of our current embargo and to know in detail the outcomes of tightening this economic noose which is around Cuba.

The Burton bill proposes to tighten this embargo and to reinforce sanctions against our allies to stop trading with Cuba.

I feel that we ought to be able to examine now whether this past embargo has furthered U.S. policy goals. In terms of the stated U.S. security concerns we observe the following: Cuban troops are out of Africa; Cuba is no longer supporting revolutionary movements; and its military ties to Russia are virtually nonexistent—and certainly, not a threat to the United States.

So, if the intent of our embargo was to guarantee certain U.S. security interests, and if these concerns have been met, why are we now proposing to tightened the effects of our 33-year-old embargo, and ironically, provide Fidel Castro with fresh reasons for showing how his nation's economic problems are not his fault? I would maintain that United States policy interests toward Cuba are no longer based upon United States security issues, but rather are attempts to effect internal changes in Cuba. If the United States is now seeking internal political and economic changes in Cuba, does the Burton bill serve these ends? Certainly, 33 years of economic embargo have not toppled the Castro regime; there has been a renovation of the top political leadership; the government appears to have been able to impose severe economic restrictions because most Cubans, despite the hardships, have adjusted successfully; the state's security forces remain loyal and effective; compensation for United States property seized has not been reached; Cuba has not been isolated internationally; and the United States embargo—particularly the enactment of the Cuban Democracy Act of 1992, gave Cuban leaders a vehicle for mobilizing patriotic support to elicit the sacrifice necessary to make the economic adjustment. And, as I mentioned earlier, this act provided the Cuban Government with a target for blaming the United States Government as a cause of Cuba's many calamities. For a moment, let us suppose that the U.S. trade embargo were to be lifted tomorrow in its entirety.

What would be the effect on Cuba's economy in the short run? It is quite probable that not much would happen immediately to the Cuban economy: Cuba could not import more goods because it lacks the foreign exchange to pay for them. Cuba's principal product sugar, is over-supplied worldwide and is traded internationally at low prices in a residual market. The major impact of removing the embargo would be political: the Cuban government would be held responsible for the nation's economic problems. It seems to me that the United States' trade embargo policy is assisting the continuation of the Castro government—and the miseries of its people. I trust that others will speak to the suffering which has been visited on the Cuban people by our outdated trade embargo. I maintain that it is time for a new vision in United States policy toward Cuba.

As part of this "new vision" I would make the following suggestions: the Clinton administration should define United States interest in Cuba in simple and clear terms. Washington should consult with our democratic Latin American allies in shaping our own policy toward Cuba. Our policy should include the following elements:

To foster a respect for human rights and a transition to pluralized democracy;

To make clear that the United States has no intention of invading Cuba and to condemn violent actions by exile groups;

To facilitate the flow of international information into Cuba: This should include continuing the facilitation of telephone communications between our two countries; facilitate direct mail, cultural and academic exchanges, establish news bureaus, travel by United States citizens to Cuba;

In order to make credible United States claims that our objection is to Cuba's government, and not to hurt its

people, the Untied States should indicate its readiness to remove aspect of the embargo if Cuba opens up its politics in specified ways.

In this way, the United States will signal its desire to respond to changes that the Cuban government chooses to adopt on its own; and

To remove all punitive measures from the Cuban Democracy Act which interfere with the normal exerciser of sovereign jurisdiction in other countries. Our economic relationships with Canada, Mexico and the European Community are of vital importance, and outweigh any remaining objectives the United States may have toward Cuba.

Furthermore, United States-Cuban policy provides a window of doubt for other governments to question United States ability to provide creative leadership in the post cold war world.

By adopting H.R. 927 the United States will violate international law and treaties, that we have signed, ratified, and promised to uphold. Furthermore, if adopted, this legislation would cause serious problems in our relations with our closest friends and trading partners. This bill would hurt U.S. business interests abroad. Our courts would become tied up with thousands of non-dismissable lawsuits, and, this bill will not advance democracy in Cuba.

This bill is a credit to bullies and dictators—not a democratic people, who are confident of their might and economic and political system. Indeed, this bill isolates the United States—provides ammunition to those who maintain that United States foreign policy is being made through campaign contributions, and that the United States has lost it belief in itself and in the inevitability of a peaceful transition to democracy in Cuba.

The Burton bill does not convey honor to this institution, nor to the American people. It is a mean spirited, vengeful, politically motivated measure which may in fact, itself, pose a danger to United States national interests in Cuba. For if this act is passed and if the misery and hardships which it is designed to create in Cuba, comes to pass then the prospects of prolonged violence could provoke mass migration and, even, United States military action.

This is the wrong bill, sending the wrong message, at the wrong time. Surely, a country which holds its democratic practices and traditions so high, would not stoop so low as to provoke economic and social hardships against innocent citizens of an independent republic.

Once again, old men and women with old ideas, are trying to force old, and bankrupt solutions. Why not trust the process of openness and of democracy. Let us reduce the hostility in United States-Cuban relations, let us encourage private markets the rule of law and independent organizations and let us promote pragmatic exchange between the United States and the Government of Cuba.

I urge you to return this outdated and poorly constructed bill to the dust bin of history. In name of integrity and honor, I urge the defeat of this bad bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my good friend and colleague.

Mr. GOSS. Mr. Chairman, I rise in support of H.R. 927, legislation that refocuses attention on the root of the problem in Cuba—Fidel Castro. His willingness to use his people as a leverage point, by deliberately manufacturing refugee crises, has been his greatest weapon. He has done a much better job of using this weapon than we have using ours—the embargo. But today Fidel Castro's regime is struggling to collect the hard currency it needs to survive. H.R. 927 ups the economic pressure on Castro by cutting off the currency supply line, in particular by sanctioning foreign investors willfully trafficking in the confiscated property of American citizens. The bill goes further to address some of gaps left by the 1992 Cuban Democracy Act regarding U.S. policy for the transition period after Fidel Castro's departure and before democratic elections. It is time for America to stand its ground and it is time for Castro to go—only then will we be able to re-embrace the closest of our hemispheric neighbors. I look forward to that. And that is what H.R. 927 is about. I urge my colleagues to join me in supporting it.

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ], one of the architects of this legislation, and one of the most important voices in this Congress on Cuban-American affairs.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I came with prepared remarks, but let me just say, I understand the fire of this institution. I understand debate, but I do not understand the comments of some of my colleagues. I would wonder how my colleague, the gentleman from New York [Mr. SERRANO] or the gentleman from California [Mr. TORRES] who spoke before would feel if he heard, as we heard from one of our colleagues from Florida, that there are too many Cubans, you have to shut it down.

That is a hell of a statement. I appreciate the gentleman's kind words towards me, but that does not wipe that statement clean.

They have come to this country and contributed, they have worked hard, they have played by the rules, they have helped build up cities, and they have suffered. I do not understand that comment.

I do not understand the comments of the gentleman from Colorado [Mr. SKAGGS] about the special narrow interest groups. Over 300 Members of this House voted for the rule, over 72 Democratic Members, nearly one-third of the Democratic Caucus voted for a rule. Is that a narrow interest?

Why is it that when we talk about Cuban Americans it is a narrow interest? Was NAFTA a narrow interest for Mexican-Americans? Was the issue of Israel a narrow interest for those who are Americans of Jewish descent? No, we accept that.

I keep hearing that we violate NAFTA and GATT. This bill does not have anything to do with that. It did maybe with the sugar provisions. Those are out. Where is NAFTA and GATT involved here? I know that is an intent to lure the free traders away, but that is not in here.

I heard the gentleman from Virginia [Mr. MORAN], a colleague, upset me again. He paints with a broad brush. He said, the people who are about this, who support this are about elitism and greed. Well, I will have the gentleman know that my family was poor in Cuba and it was poor when it came to the United States. No one in my family graduated from college until I went to school here in the United States, and I resent those remarks.

The gentleman may have a divergence of view on policy, but the gentleman has no right to paint a group of people in such a manner, no right.

I listened to the gentleman from New York [Mr. RANGEL] who I respect at least in the context that he finally called Fidel Castro what he is, a dictator, which too many people who come here make believe that the United States are the bad guys. What about the dictatorship?

The one thing I have that none of the people who have spoken here, except for my colleagues, the gentleman from Florida [Mr. DIAZ-BALART] and the gentlewoman from Florida (Ms. ROS-LEHTINEN) have, is family in Cuba. Everybody else talks about it abstractly. Everybody else talks about it in the context that we are creating suffering and oppression of people in Cuba.

The only person who is doing that is Fidel Castro. And I say that as someone who has family there. No one else who spoke before, other than the people I have mentioned, can say that. And they still suffer. But they do not suffer because of what I do in the United States Congress. They suffer because of a person that has chosen a course of action that keeps them oppressed, not only from political liberties, but from economic reforms that would make their lives better.

□ 2145

I rarely talk about my family in these debates because I do not need them to suffer any more as a result of

what I do here in this House, but my efforts are not to hurt my family. They are to try to liberate them, and I am upset to hear, upset to hear that what we seek is pain and bloodshed. The only blood that can be spilt in Cuba is the arms of Fidel Castro. He has the guns, he has the army, he has the security forces, and only he can turn those arms against the people of Cuba.

Mr. Chairman, let's talk about him. I understand differences in opinions as to how we proceed, but I do not accept the comments of some of my colleagues who say that there are too many Cubans here, that is why we have got to shut down the door. I do not accept the comments of some of my colleagues who call this a narrow interest of view when we have such a wide range of support. I do not accept those comments.

Mr. Chairman, I start with a very basic premise. It has always been, and I believe always will be, in the national interest of the United States to promote a change to peaceful and ultimately democratic change in Cuba. It is in our national interest. I speak as an American when I say it is in our national interest because Cuba has the third largest army in the entire Western Hemisphere under the command of a dictatorship. It is in our national interest because Castro seeks to finish a nuclear power plant 90 miles away from the United States of a Chernobyl type. We do not need another Chernobyl 90 miles away from the United States. It is in our national interest because Castro continues to violate the human rights of his people through political repression, incarceration, and yes, firing squads, and it is this political repression and the lack of economic reform that causes Cubans to flee their homeland that my colleague from Florida so much cares about and seek refuge in the United States.

Mr. Chairman, opponents of this bill would have us believe that it is the United States that is the villain, not Castro. And yet, we all agree that it is Castro who denies his people the right to free and democratic elections. It is Castro who permits the continuation of human rights abuses, and it is Castro who could end the suffering of the Cuban people tomorrow if he chose to.

Mr. Chairman, yesterday during the debate in the Committee on Rules, one member suggested that by ignoring Castro, we have heard that on the floor today, perhaps it would resolve itself, that perhaps absent U.S. attention, Castro would change his ways.

Mr. Chairman, Fidel Castro could change this instant. He can call elections today. He could allow alternative political parties to form today. He could release Cuba's political prisoners today. He could make substantive economic and market reforms that would help the Cuban people. Forget about anybody else. Help the Cuban people put more food on Cuban tables. Fidel Castro could make this bill irrelevant today, but instead, he chooses tyranny as his form of government, a choice he could easily reverse.

Mr. Chairman, with this in mind, nearly two years ago I suggested that we develop a proactive policy towards the Cuban people, that we prepare today for a change in Cuba tomorrow, that we combine our principled and firm opposition to Cuba's oppressors with a beacon of light to the Cuban people to say clearly to them, we are in solidarity with you, we want to help you, but we do not want to assist those who deprive you of your basic rights.

So I introduced with broad bipartisan support the Free and Independent Cuba Assistance Act, which is incorporated under Title II. It is not about pain and bloodshed. It is about assisting the Cuban people, sending out a blueprint from the United States of assistance to a government in transition, and ultimately, a government that is democratically elected, and it says to the Cuban people, here is how we want to help, and for the first time in foreign policy, it is proactive.

Finally, the second part of the bill really deals with the right of American citizens and the right of American companies to be able to sue in our courts for their confiscated properties illegally confiscated in Cuba. If my colleagues want to stand up for American citizens, if my colleagues want to stand up for American companies simply to have a right to go to court and sue some foreign company that wants to buy those properties that were illegally confiscated from Cuba, my colleagues will support this bill. No matter how much hocus-pocus we have here, no matter how much clouding of the issue we want to make it, that is the basic line. Help the people in Cuba, blueprint for a transition, the ability to sue so that they can therefore make sure that their confiscated properties do not become the illegal fruits of Fidel Castro.

Mr. HAMILTON. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, let me first preface my comments by saying that the beauty of democracy is the ability to disagree. For me, the pain of democracy tonight is to have to disagree with colleagues of mine from the Cuban-American community who have a special emotional involvement in this issue.

I come tonight not only as a person who was born an American citizen, but with a special feeling in my heart for having been born in an American city in the island of Puerto Rico, for those two islands, Cuba and Puerto Rico, hold historical and cultural bonds that some people in this body may just not understand. If the people in Cuba hurt, then I hurt, and I wonder how much of their pain is caused by us, not by their leadership.

So I think it is important for us to be honest with ourselves, at least in private if we do not say it out loud. This is not about democracy. It cannot be about democracy. Our country at this moment in its foreign policy statements has no moral grounds to say that this issue is about democracy, not when we are dealing with China and Vietnam and with Korea and with other countries, not when we see elections in the Caribbean, democratic elections that are very questionable in terms of how they were conducted and we look the other way.

Mr. Chairman, what this is about, in my opinion, is, in fact, a response to a well organized lobby in two parts of our country, in Florida and in New Jersey, which has taken their emotions and their ability to lobby well and made a lot of people feel that this is the kind of legislation we need. As much as I oppose the law of the gentleman from New Jersey [Mr. TORRICELLI], we could say there is this law already on the books, why do we need this, as the gentleman from New Jersey [Mr. TORRICELLI] said tonight, admitting that his law does not work. I have done that in the past. It is not an easy thing to admit.

What this is about is a group of people in this country, Members of Congress, who kneejerk immediately to the thought of getting to this quote, unquote, last communist left. How do we do it? By squeezing the Cuban people. If we squeeze them to a point where they are hungry on the streets, they will rise up against their government.

Mr. Chairman, I am not a scholar in world history, but I do not remember the last revolution led by hungry people. I do not remember the last revolution led and put together by people who cannot feed their family. It is usually the middle class and the upper class that leads these revolutions.

What do we do? We lie. We lie to ourselves because we say that the Cuban people support the embargo. Let me see if I get this straight. A mother in Cuba who does not know where she is going to feed and how she is going to feed her children tomorrow calls her sister in Miami. Her sister interrupts her dinner, pushes aside a plate of white rice or black beans, fried plantains, and a Coca-Cola, not to mention a little pork or beef and says, "Yes, what do you want, my dear?" She says, "Listen, I don't know how I am going to feed my children tomorrow, but I want you to support the embargo so I can get this guy off my back."

Are mothers in Cuba different from mothers throughout the world? Would a mother do that to her children? Give me a break. It is people here who support the embargo because the embargo will bring about a crisis in Cuba eventually they hope which will allow them to move in and play a role in a new

Cuba, for if we lift the embargo and negotiate with the Cuban Government, there will be a transition because Cuba already is on a road that will never turn away from where it is going now.

Mr. Chairman, do we know what will happen? The new Cuban Government will be composed of people who live in Cuba now, and that is bad news for people who want to go back to Cuba, not to visit relatives, but to run the government.

Let me say what I think is happening here and this is what I am afraid of. We in our profession like to make the predictions and be right. I make this prediction and I pray to God that I am wrong. We will squeeze the Cuban people more and there will be a crisis in Cuba, and it will become an immigration crisis for us, and that is when we really react negatively toward Cubans because we do not want any more Cubans in this country. We are anti-immigrants all of a sudden. So we will have to blockage Cuba and someone will fire a shot somewhere and we will be there the way we always know how to be with troops.

Mr. Chairman, the lawsuits allowing people who were not citizens at the time that their property was dealt with to now sue, the whole idea of telling a CEO from a foreign corporation, if you are dealing in Cuba with these properties, your children and you, your relatives, cannot enter this country, not even for a kidney transplant, what the heck are we talking about here?

Mr. Chairman, there are children in Cuba tonight who are on the road to more suffering. Can we be proud of that? Can we be proud of that? I started to say where I came from. A great poet once wrote that Cuba and Puerto Rico are of one bird; it is two wings. Both hurt in different ways. One is a colony and one with much pain. I would like it to end. It can end if we get off this machismo trip we are on, stop our obsession with one individual and deal with the Cuban people for the human beings they are.

Mr. Chairman, I rise in opposition to H.R. 927, the Cuban Liberty and Democratic Solidarity Act. This is an extreme bill that continues and strengthens diplomatic policies that have never been successful, and introduces troubling new policies that will adversely affect U.S. businesses, the court system in the United States, damage our relations with our closest allies, and, most important, increase the suffering of the Cuban people.

The existing Cuban embargo has not resulted in any change in Cuba's Government. The imposition of even stricter sanctions against Cuba would only exacerbate the already critical economic situation in Cuba and cause even more hardship to the real victims of this embargo, the Cuban people.

Cuba does not pose a threat to our democratic government, and the United States Government should not pursue the policy, contained in this legislation, which would serve to further increase Cuba's isolation. We should instead have the courage to develop and expand a constructive relationship with Cuba.

The existing Cuban embargo and current United States policy toward Cuba does not have the support of the world community. This support is vital for a successful foreign policy. H.R. 927 would even further damage our relationships with our allies, and violate the North American Free-Trade Agreement.

Passage of this legislation would have a very negative impact on the court system in the United States. This bill would allow any United States citizen, or any company organized under United States law, whose property was expropriated by the Cuban Government, to sue Cuba or any foreign business that is using the property today. The result will probably be the filing of thousands—maybe even hundreds of thousands—of lawsuits in U.S. courts. If the estimate of $4,500 in administrative costs per case (as provided by the Administrative Office of the U.S. Courts) is correct, the resulting cost to the U.S. court system and the taxpayers of the United States is tremendous.

Finally, the current trade embargo is already harming businesses in the United States. American businesses are banned from doing business in Cuba, and this has meant that European and Latin American investors are able to enjoy new business opportunities without any competition from United States business interests.

It is ironic that countries well known for their human rights violations are our trade partners. We have opened the doors of commerce with Vietnam and North Korea, and yet we continue to follow a policy that has no moral grounds and damages the national interests of the United States with respect to Cuba. I would urge my colleagues to vote against H.R. 927, a bill that moves U.S. foreign policy even further in the wrong direction. We should instead take the first steps in the path of bringing economic recovery to our neighbor, and building a productive and peaceful relationship.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, first of all, let me just say, we are the largest donator of food to the people of Cuba. I hope my colleague will hear that. We do not prohibit food or humanitarian assistance to go to Cuba. It is going down there every day. In fact, the gentleman from Florida [Mr. DIAZ-BALART] has helped organize getting food into Cuba so that lady we are talking about whose child is going to be starving and all that sort of thing will not be as a result of the people of the United States because we are the largest donator of food in Cuba.

It was also said that there might be somebody who would have a child who would need a kidney transplant who could not come to this country because we would not allow them to have a visa because their parents were trafficking in confiscated U.S. property. That is untrue because there is a Presidential waiver provision in this bill. The Secretary of State and our Embassies can waive that provision for any humanitarian purpose. They can do it on a case-by-case basis.

Mr. Chairman, those two arguments are like a sieve. They do not hold water.

Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise tonight in support of this act. I think that we have heard a lot of discussion tonight, different opinions on, for instance, what is in the strategic best interest of our country and I think we would all agree that having a totalitarian regime with the third largest Army in the Western Hemisphere 90 miles from our coast is not a good idea.

Mr. Chairman, we have talked about what is it that will lead toward peaceful transition, away from Castro, and toward a democratically elected government. We have had discussion on what is it that will actually end Castro's control, his lock-neck control of Cuba, a control so tight that Amnesty International has rated him on the top of the charts in terms of nonhumanitarian work toward other humans, but I would like to suggest that in all these different options that we have heard tonight, maybe the real answer that is never suggested on the floor of the House is that maybe we do not know. Maybe we do not know.

I had the good fortune of actually visiting with refugees with the gentleman from Indiana [Mr. BURTON] and others 5 months ago, and in that visit we had conversations with refugees who said the way to solve the Castro problem is not by sending more tourists that will lead to replenishment of his bank accounts, not by sending him more plant and equipment which will lead toward greater industry, which will replenish his bank accounts, not by allowing him to sell off pieces of the island of Cuba which will lead toward him being able to replenish his bank accounts.

□ 2200

Instead, the only way that you solve the Castro problem is by tightening the noose.

These were people who had risked their lives and left behind all possessions that they owned for one simple thought, and that is the idea of freedom. Yet these were the people saying it is my cousin, my aunt, my uncle who will be the one hurt the worst as you tighten the noose, but do it because it is the only way to solve the problem.

With that, I would simply like to say that if the people most affected by the decision that we are contemplating say this is the way to solve the problem, then maybe in this case they are the ones that know the answer.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, there has been a lot of heartfelt discussion, debate tonight,

and I do not think that either side should question anybody's motives. Let me just say that I supported the embargo against apartheid, racist South Africa. I support the embargo against the Serbian regime. I support the embargo against Saddam Hussein in Iraq, an embargo in Iran, and I support the embargo against Castro's Cuba because I think that embargoes have been and can be effective tools in bringing down governments.

Castro has been in power a long, long time. Here it is 35 years later. He shows no signs of change, no signs of instituting political pluralism, no signs of instituting democracy. Why would we want to prop up an aging dictator in his waning years? I am opposed to dictatorships. Frankly, I do not care if they are right-wing or left-wing. If they do not give people the ability to express themselves politically, if they do not have a free-market economy, if they do not have a semblance of political pluralism, I do not want to apologize for them.

This bill attempts to deny Castro foreign capital. Is it a perfect bill? I have not seen any perfect legislation in the 7 years that I have been here, but it is an attempt to deny him the capital to help bring down his regime. Will it work? Time will tell. But I think this country ought to be on the side of trying to bring down his regime. I think this bill takes a step in that direction.

Here it is 1995. Castro brings people to the island and he shows them around and tells people how wonderful it is. But the fact of the matter is he is dealing much the same way he dealt throughout the 1960's and 1970's and 1980's. At a time when other countries have thrown off the yoke of oppression, Castro still has a noose around his people's neck.

Some people will argue that the American embargo has not worked all these years, so why would a tighter, more difficult embargo work now? The fact is that for years Castro had the Soviet Union prop him up and infuse capital into his country. The Soviet Union is gone now. There is no one to prop him up anymore. He is exposed for the world to see, and he is hurting.

I think that is what makes the difference. I think that is what will lead to the toppling of his regime. I think this act is something that ought to be voted upon. I think that Castro has to go. Why does he not just go and let his people have democracy and then there would be no need for this kind of bill? He will not do it because he cares about his regime. He cares about outdated ideas. The poor Cuban people have to suffer as a result.

I think we should have a bipartisan vote for this bill, and I support it.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I do not think there is a finer group of Members of this House than those who are in the room tonight and I include in that our adversaries in this debate.

I am opposed to this bill. I do think it is fair, however, for me to respond to a couple of things that have been said by the gentleman from New Jersey [Mr. MENENDEZ], the gentleman from Indiana [Mr. BURTON] and perhaps others, along the lines of the fact that somehow those of us that believe this bill is a mistake are trying to assert that somehow the United States has been the villain. No one has said that and no one believes that. We all are here to try to achieve the same purpose. Nor does anyone want to prop up any dictator anyplace. And I think in your hearts you know that is the case.

What we are saying is that perhaps the United States has followed the wrong policy for a very long time and that perhaps those of you who, in a heartfelt and sincere way, advocate this bill and have advocated other politics, frankly, which I have voted for in the past, perhaps are blinded by your deep-seated feelings to the fact that the policy which you have advocated has simply not worked.

The question tonight is whether we are going to act in the interest of the people of the United States, in the interest of this Nation as a whole, or whether we are going to continue to ignore common sense and history and the wisdom of the entire rest of the world that opposes this bill and our policy, and pass a bill that at bottom caters to the deep-seated sentiments of some of the people in our country and to the political dynamics of South Florida and New Jersey.

That is really what the question tonight is. It was not legislation like this that freed the people of the Soviet Union and Eastern Europe, nor was it an embargo that freed them. It was, rather, the inability of those governments to isolate their people from the cultural, commercial and political influences of the West. They could not close it out.

Yet what do they bring to us tonight? A bill which would further isolate the Cuban people from the political and economic culture of our country and the rest of the hemisphere and the rest of the world, exposure to which would hasten the end of tyranny in Cuba.

It makes no sense. It denies logic. It defies history. We have tried it your way for 30 years. What happened? Seeking to help people who were fleeing tyranny, we invited all Cubans who could get out to come to the United States and thereby drain the country of all of its natural opposition to the government that is there today.

Those people that have come here have been wonderful citizens, more productive than the average citizen. They have made great Members of Congress. We must recognize the fact that we have drained the island of its opposition.

What else did we do? We helped Casto convince its people that we were the villains, not his form of government, as ridiculous as that is, but he has managed to make the case. Why? Because we are the only nation in the entire world that pursues a policy like this toward Cuba, nobody else.

The gentleman from Indiana [Mr. BURTON], talked about South Africa, and I heard somebody mention the other embargoes that we have carried out in the past. We did that with the help of all the rest of the world. We have no help in this policy. The entire world is calling us and saying do not pass this legislation that is on the floor tonight. In spite of the failure of this policy, tonight you ask us to make our policy even more restrictive, to ignore the President, ignore the Secretary of State, ignore pleas from all the world's government and take another step in the wrong direction, the same direction we have been going without any success for 30 years.

This bill, simply put, is an orgy of illogical zealotry and individual political ambition all coming up at the same time. Who is going to pay for it? The kids in Cuba that would like to get a regular meal three times a day and cannot, the creative people there that would like to be somehow involved in our culture, to be more exposed to it, the budding entrepreneurs, and they are budding there if you read any of the authoritative reports, that would like to be involved in commerce with us. Having been made more prosperous, as the gentleman from New York, [Mr. SERRANO] said, would therefore be more influential and more able to speak for freedom and justice and openness in Cuba.

I urge the Members of the house to reject this backward step, to recognize where we have been, where we have made mistakes and not go even further in the wrong direction. Tonight is an opportunity to say no to a narrow interest and to speak for the American people.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume. Let me just say, briefly, Mr. Chairman, the embargo that everybody has been alluding to has been in place since the Cuban Democracy Act was passed several years ago by an overwhelming majority of this House. This does not have anything to do with the embargo. What this does is it puts pressure on people who traffic in confiscated U.S. property by denying them visas, No. 1, and by providing a cause of action in U.S. courts for restitution if they buy confiscated U.S. property or traffic in it. That is what this does. So when I keep hearing my colleagues keep talking about this being an expansion of the embargo, all we are doing is saying that people who had

their property confiscated have a right, a cause of action, and that people who deal in confiscated property should not be allowed to make a profit by coming to the United States.

Mr. Chairman, I include for the RECORD the following articles from the Herald of September 20, 1995:

The articles referred to are as follows:

VIEWPOINTS ON UNITED STATES-CUBA RELATIONS—FIND A COMMON GROUND

The following is excerpted from a July letter to President Clinton from Oscar Arias, the Nobel Peace Prize laureate and former president of Costa Rica:

On June 26 I had the privilege of hearing your words at the commemoration of the 50th anniversary of the United Nations Charter in San Francisco. I congratulate you for your inspiring message. It is satisfying to hear the president of the most powerful nation in the world remind us that the signatories of the U.N. Charter thought that "merely punishing the enemy was self-defeating."

Encouraged by your words and actions, I write to discuss a topic that directly concerns all inhabitants of our continent: the relationship between the United States and Cuba. My immediate concern is the Cuban Liberty and Democratic Solidarity Act (Helms-Burton bill), which openly contradicts the principles so eloquently expressed in your speech in San Francisco.

I fervently hope that Congress will not pass such pernicious legislation. But, as unfortunate as that would be, I am confident that you will veto this bill.

This hope does not mean that I approve of the restrictions of liberty or the violations of human rights practiced by Fidel Castro's regime. Indeed, I have long been an outspoken critic of that regime. However, if "merely punishing the enemy is self-defeating," to punish the people who are victims of this enemy is abominable.

There is no longer any moral or ideological justification for the U.S. embargo. The United States and Cuba should set pride aside. Both nations should look not to the past but toward the horizons of the future. The stronger of the two sides, the one with the least to lose by opening up, would gain greater moral strength through such a tremendous act of political courage.

The embargo has served the Cuban government as an excuse for its own political and economic failures. The Helms-Burton bill would strengthen the hands of Marxist hardliners in Cuba. Rather than promoting dialogue and encouraging change, strengthening the embargo will only freeze the United States and Cuba into fixed political positions, devoid of openness.

You have said that "normalization and increased contact between Americans and Vietnamese will advance the cause of freedom in Vietnam just as it did in Eastern Europe and the former Soviet Union. The same principle applies to Cuba. And if the United States makes clear that it would not resort to any form of economic or military sanctions against Cuba, the international community will, without a doubt exert even stronger pressure upon Castro to initiate an opening of democracy on the island. I would personally work hard to achieve that.

Mr. President, I ask you to begin negotiating a new era of U.S.-Cuban relations. Only then can democracy begin to glimmer as a possibility in Cuba. Cuban leaders have already expressed their readiness to enter into immediate negotiation over common problems, such as immigration. Why not test whether this is true? Why not consider the possibility of successively opening topics such as the fight against drug trafficking, the protection of the environment, the problem of human rights violations, and above all, the political and economic transition of Cuban government and society?

LET US BEGIN ANEW

I invite you, then, Mr. President, to recall the words of President John F. Kennedy, in his inaugural speech of 1961: "So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject of proof. Let us never negotiate out of fear. But let us never fear to negotiate."

I am sure, Mr. President, that every effort you make to alleviate the tensions between the United States and Cuba, to ease the sufferings of the Cuban people, and to create the necessary conditions for a nonviolent transition toward democracy will be appreciated by present and future generations.

By ending the U.S. isolation of Cuba, you would gain the warm support and appreciation of every Latin American government. As you said in San Francisco: "Let us say No to isolation." You have put aside bitterness and resentment toward Vietnam in order to move beyond a painful past. In the same spirit of that grand gesture the community of nations calls upon you to seek a common ground with the Cuban people.

TIGHTEN THE EMBARGO

(U.S. Rep. Dan Burton, R-Ill., is chairman of the House Foreign Affairs Committee's Western Hemisphere Subcommittee and House author of the Cuban Liberty and Democratic Solidarity Act of 1995.)

Today the House will debate the Cuban Liberty and Democratic Solidarity Act of 1995, also known as the Burton-Helms Bill. This bill will be an effective tool for promoting freedom and democracy in Cuba. It will be of great benefit not only to the people of Cuba but to the entire hemisphere.

After 36 years of dictatorial rule Fidel Castro shows absolutely no sign of having learned the lessons of history or of having changed at all. His motto is still: "Socialism or Death!" He is a megalomaniac who views himself as inseparable from Cuba's destiny. His legacy is a sorry one indeed. Before Castro's 1959 revolution, Cuba was, per capita, one of the wealthiest countries in Latin America. Today it is one of the poorest, a testimony to communism's abject failure.

The Castro strategy for achieving longevity is simple: Cling to power at all cost, and do whatever it takes to attract foreign currency. His regime has developed one of the world's most brutal, repressive, and efficient control systems. It seems capable of keeping him in control for now.

Nonetheless, as economic conditions continue to deteriorate, Castro is becoming increasingly desperate for foreign currency. Thus the Cuban regime is now encouraging massive foreign investment for the first time. Property and businesses, many confiscated in the early 1960s from American citizens, are being sold at bargain prices to Mexicans, Canadians, and Europeans.

Some pundits contend that massive investment, including and especially from the United States, is the way to bring about reform in Cuba. They point to Eastern Europe and say that an infusion of Western capital and influence in Cuba will be too much for Castro to withstand.

This argument is false. Castro is determined to control tightly any foreign investment in Cuba. The proof is in Cuba's tourist industry. Hotels and resorts are off limits to the Cuban people. Workers are approved and paid by the government. The foreign currency benefits the Castro regime, not the Cuban people.

The Burton-Helms Bill is a very important vehicle for advancing U.S. interests in Cuba:

It reaffirms the long-standing bipartisan U.S. policy toward Castro, including the embargo.

It expands and internationalizes the embargo.

It would penalize international financial institutions for extending credit to the Castro regime.

It sets up a program to assist a transitional government in Cuba moving toward democracy.

It allows U.S. citizens who owned property confiscated in Cuba to sue for damages any foreigners who buy or use the property. This will have a chilling effect on unscrupulous individuals or corporations who may be contemplating such a move. We also would like to see a reduction in foreign investment in Cuba, investment that only helps to perpetuate the Castro dictatorship.

WHY CASTRO OPPOSES BURTON-HELMS BILL

The Burton-Helms Bill will send a clear message to Castro, the international community, and most important, the Cuban people. By passing our bill, we will let Castro know that we are serious about pressing him to allow his people to choose their own destiny. We will also be communicating to our allies and to other countries who seek American cooperation that Cuba is a matter of the utmost priority for U.S. policy.

Since the Burton-Helms Bill was introduced earlier this year, the Castro regime has been busy distorting its intent and potential effect. Cuba's state-controlled media are attempting to scare the Cuban people into believing that our bill is inmical to their interests. Last spring I visited Guantanamo Bay and met there with many of the thousands of Cubans who escaped from Castro last year. They were unanimous in encouraging us to forge ahead.

We have reason to believe that the Cuban people are aware of our legislation and that the vast majority support its passage. It is precisely for the well-being and democratic future of the people of Cuba that we are determined to see to it that our bill becomes law. The Cuban people deserve it, and the American people should support it.

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

Mr. TORRICELLI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. TORRICELLI] has 13½ minutes remaining.

Mr. TORRICELLI. Mr. Chairman, we are told tonight that Cuba represents no threat to the United States. She possesses few arms and perhaps no missiles. On the contrary, Mr. Chairman. Cuba represents a threat to things as old as this Nation itself, a threat to human freedom, the right to speak, to worship, to seek the consent of the governed.

We are told, Mr. Chairman, that the cold war is over, so indeed we have no conflict with Castro's Cuba. On the contrary, Mr. Chairman, America's fight for human decency, for the rights of the individual began 200 years before

the cold war and will outlive the last memory of the Soviet Union.

Mr. Chairman, all we do in this Nation is not defined by the cold war. We did not fight apartheid in South Africa because of a cold war. We do not stand up to Libyan terrorism because of the cold war. We stand up for racial justice, for peace, for the consent of the governed because of who we are. We are told that America may stand alone in standing up to Castro's Cuba.

Mr. Chairman, America has never stood in better company. The French may seek their profits, the Canadians may want their investments. After the last hotel has been built, the last child of Cuba has been sent onto the streets of Havana to prostitute herself, the United States will be talking about freedom and elections and human rights if we are the last people on earth who will do it.

Three years ago in a proud moment in this institution, in the proudest moment of my career in this Congress, on a bipartisan basis, we passed the Cuban Democracy Act. Built on the experience of the embargo against South Africa and Haiti, Rhodesia, North Korea, we decided to take a stand that we would not have American corporations profit off the misery of the Cuban people, that we would take a moral stand to demand elections for the Cuban people.

□ 2215

It was the use of a legitimate and historic tool of international diplomacy, the most effective alternative to military confrontation, the economic embargo. Two hundred years old, and effective in every generation. This has been no exception.

Fidel Castro responded to the Cuban Democracy Act by taking confiscated property, stolen from American citizens and corporations and the Cuban people themselves, and selling it on the world market to buy time for his dictatorship. That is the problem before this House tonight, not the embargo.

That judgment was made 3 years ago. The very fact that Fidel Castro has had to respond by confiscating and selling property is the real proof of how effective the embargo was 36 months ago. But the practical problem before the Members of this institution is that Fidel Castro has taken the property of your constituents, our citizens, stolen it, and is selling it on the world market.

Now, I ask the Members, as representatives of the American people, what is it we intend to do about it? What is it we are going to do? Is this the right of a foreign Nation, to take our property and then sell it wholesale? We have never allowed that to happen before. Is that some special privilege we will give to the Cuban government?

The bill of the gentleman from Indiana [Mr. BURTON] is an answer to the question. We will give the right to sue in an American court to a citizen who has lost their property, not because they should not have the right legitimately, appropriately, to take that suit to a Cuban court. That is the real answer, that is the right answer, but Castro will not let them in the court. If he would, we would not be here tonight. So if Members oppose the answer of the gentleman from Indiana [Mr. BURTON], the real question is, they have no answer.

Then there is the ultimate practical question of them all. No matter what side of this debate they are on tonight, Members know this: We all agree Fidel Castro's days are numbered. The end of the dictatorship is coming.

What are we to do when it happens? Are Members all prepared to vote the taxpayers' money to compensate American citizens who have had their property stolen? Is that what is to happen? This is to become the burden of the American taxpayer?

The better answer is that of the gentleman from Indiana [Mr. BURTON]. Stop the confiscation and the sales now. Do not let the sales take place at all.

He achieves this by a very practical answer. Mexican, Canadian, British companies, they have a choice. They can profit by the theft of American corporate and personal property. They may make a few dollars, but they will not visit or do business in the United States. They must make their choice.

Is that fair? How would Members feel as an American citizen if they saw an advertisement for the products of a company that was theirs, that was stolen, and the product is being sold? How would they like to walk down the streets of New York and see a visiting Mexican businessman, visiting our country as our guest, and he is living in their house, operating their business?

This is not against the Cuban people themselves. We have exempted out personal residences. No Cuban family will lose their home or their farmland or their means of support.

It is against international corporations that would profit by the loss of our constituents.

Mr. Chairman, this bill is an answer, I believe in my heart, maybe the last answer. We are in the final stages of a confrontation that has lasted more than a generation. Fidel Castro cannot escape. He cannot survive unless we allow him to.

The answers to the real questions that were here tonight are not in our hands. The embargo can end. It can end tomorrow. One man can end it: Fidel Castro. Under our law, under the Cuban Democracy Act, it ends the day he declares a free and fair election. The power is in his hands, but only if we make him use it.

If he thinks there is division in this hall, disagreement in this Government, he will never face that ultimate choice. Make him face that day, to call that election.

My colleagues, tomorrow Democrats and Republicans, liberals and conservatives, north and south, can send an unmistakable message to every student in Cuba who wants to take to the street to demand freedom but is afraid, to every political prisoner who lives in the shadows of a Cuban jail and wants hope, to every patriot in Cuba who longs to take a stand, that they are not alone, that we are with them. The moment is coming and this Nation, which has stood for so many free people in so many struggles in so many lands, stands with them now.

I urge my colleagues to support the gentleman from Indiana [Mr. BURTON] tomorrow, not by a narrow margin, by an overwhelming margin, not with doubt but with enormous resolve, that we will in our time end this dictatorship and for the first time in the 400-year history of the founding of this continent see free governments in every land, in every Nation, in all the Americas.

That, my friends, is the judgment. I congratulate the gentleman from Indiana [Mr. BURTON] on his legislation. It is my great pride to be part of crafting this bill. I urge my colleagues to vote affirmatively tomorrow.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise today in opposition to this, I think, misguided bill.

Mr. Chairman, the cold war is over. The Soviet Union is gone. Cuba is no longer a threat to our Nation's security. Yet the supporters of this bill would seek to keep us fighting a cold war battle.

Mr. Chairman, we already maintain a comprehensive trade and travel embargo on Cuba. What have been the effects of this embargo? It has caused 10 million people of Cuba to suffer from critical shortages of food and medicine. It has kept United States businesses shut out of expanding investment opportunities in Cuba while other countries take advantage of it. It has not led to any major changes in the leadership of Cuba. This bill would change none of that. But what H.R. 927 would do is try to force other countries to keep from trading with Cuba as well. Not only is this a violation of trade law but it also risks our good relations with some of our most important trading partners, including Canada, England, Italy, and Mexico.

I ask my colleagues, is it worth hurting our own economy and running the risk of an international trade war just to make Cubans suffer a little more?

Mr. Chairman, I just do not see the need for a bill which puts burdens on our own economic future to fight a war that ended years ago. Even supporters

of the current embargo agree, this bill is the wrong way to bring about political change. Do not be afraid of our human potential and our ability to prevail by example, not by ridiculous avoidance. Let us begin the leadership we are capable of. Vote against this bill.

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

Mr. Chairman, I think we have had an excellent debate tonight. I want to say that I think we choose tomorrow between 2 very different philosophies in promoting change in Cuba.

One philosophy is represented by this bill. It is that if you make conditions in Cuba significantly worse, you will prompt the Cuban people to rise up against their government. I want to say that I respect deeply the motivation and the intent of those who favor this bill. They are very good and very honorable Members of this institution. They make their arguments with total sincerity and with obvious skill.

The competing philosophy is that governments can be toppled peacefully by exposure to the free flow of ideas and the benefits of the free markets.

There is no difference among us in this Chamber that Castro must go. All of the denunciations of Castro that we have heard tonight are correct. We all agree that Cuba will and must make the difficult transition to democracy and free markets, and that is the American national interest here, that that occur. The question is how to bring about that change without jeopardizing U.S. national interests.

I believe that the choice is very clear. A policy of engagement, of contact, of exchange, of dialogue with the Cuban people offers in my view the best hope for peaceful change. That is the policy, after all, that was successful in eastern Europe and helped to bring about the end of the Cold War. A policy of engagement means showing a new generation of Cubans how to make their world different. It means engaging the Cuban people and that that increases the chances that a transition to democracy and free markets will be peaceful.

I think the policy of isolation is a fair riskier course. The theory is the greater the pressure, the greater the likelihood of Castro's overthrow. But what happens when the lid blows? The policy of isolation increases the risks of violent explosion in Cuba. It increases the risk of a massive exodus of refugees, and it increases the risk of possible U.S. military intervention.

I reject a policy based on isolation and hardship for the Cuban people. I reject a policy that pins its hope for change in Cuba on the promotion of unrest and violence.

We have had a lot of debate here tonight, but I do not know that we have described what is in this bill. Let me try to do that briefly and I hope fairly.

First, it tightens the embargo on Cuba. It urges the President to apply existing sanctions against any country assisting Cuba. It requires the United States representative to vote against any loan for Cuba in the international financial institutions, such as the World Bank and the IMF.

Second, for those who lost property in Cuba, this legislation creates a special and an unprecedented right to sue in U.S. courts. The purpose of that provision is to discourage any foreign investment in Cuba.

Third, this law imposes new visa restrictions. It requires the Secretary of State to exclude from the United States any person who has had even a remote connection to property confiscated by the Castro regime, whether they are aware of the connection or not.

Finally, the most constructive portion of this bill as reported out of the committee, an assistance program to promote democracy in a post-Castro Cuba, has been eliminated.

□ 2230

Now the bill says Congress will consider an aid plan, once Castro is gone. But it also sets conditions that are so stringent that it is unlikely an aid program would ever be approved in time to make a difference.

I think the bill damages U.S. interests in 3 ways: First, by increasing Cuba's isolation and hardship, this bill harms U.S. security. The bill states that the acts of the Castro government are a threat to international peace. That is not the assessment of the National Security Council.

What is the threat today? Castro is not exporting revolution. He has no Army, Navy or Air Force that can threaten the United States. According to General Sheehan, and he is the Commander-in-Chief of the Atlantic Command, the threat to the United States from Cuba today is from refugees.

Mr. Chairman, if we make conditions in Cuba more desperate, we increase the chances of another mass exodus of refugees to the United States. If we make conditions in Cuba more desperate, we risk prolonged violence and U.S. military intervention. Chaos in Cuba could mean young Americans and young Cubans meeting either other at gun point.

Second, this bill puts further isolation of Cuba above any other U.S. Government foreign policy goal. No other government in the world agrees with the stated policy of this bill, and without the support of other governments, that policy cannot succeed. In the course of increasing Cuba's isolation and seeking to force other countries to go along, this bill will damage our relations with our closest allies, friends, and trading partnerships in Europe, Japan, Canada, and Mexico.

This bill does violate NAFTA. NAFTA guarantees the free movement of business travelers throughout North America. This bill undermines world leadership at the World Bank and IMF by forcing the United States to withhold funds and dictating how the United States will vote.

Third, this bill creates an administrative and legal nightmare for the United States Government. The bill establishes an unenforceable standard for the exclusion of aliens. Every consular officer in the world will have to ask every visa applicant, "Do you own property once confiscated in Cuba?" Consular officers will be asked to make visa decisions in the absence of reliable information about property transactions in Cuba.

This bill will not ensure that property claims in Cuba are resolved fairly. There is an established procedure in place to handle expropriated property claims. It is called the Foreign Claims Settlement Commission, and it works. It worked in Vietnam, it worked in Iran, and when the United States has a Cuba with which it can negotiate, it will work there as well.

The claims commission examines the universe of possible claims and the universe of resources available for resolving those claims. This bill sets up an entirely new way of handling these disputes. It sends everyone to court. And keep in mind that a court looks only at the plaintiff and the defendant immediately before it. Under this bill, the only people with a chance of being helped are those who can afford to get to the courthouse first, or stay the longest.

Mr. Chairman, this bill makes it more difficult for the United States to negotiate a claims settlement with a transition government in Cuba. It makes it more difficult for the United States to look out for the interests of all Americans with property claims in Cuba.

I believe also that this bill is a litigation magnet. It invites anyone who has had property confiscated in Cuba over the past 30 years, whether a U.S. citizen or not, to incorporate and then to file a lawsuit in U.S. Federal courts.

Just this past winter when the House considered items from the Contract With America, it sought to limit the proliferation of lawsuits in this country. Now we are talking about mandating that Federal courts allow an entirely new, unprecedented right of action.

Having huge numbers of this kind of lawsuit pending will have a chilling effect on economic recovery when a transition in Cuba is underway. No one will invest in property for which there is no clear title. There will not be enough money available to resolve these lawsuits.

What impresses any observer of current relations between the United States and Cuba is that the two governments are at an impasse. They are dug in and neither is prepared to move.

Mr. Chairman, I do not expect any meaningful change from Castro. He continues to blame all of Cuba's problems on the embargo. He uses the embargo to justify repression, which we have had spelled out for us very well tonight, and to justify his resistance to change. But change is happening today all around Castro; change that he did not want, change that he cannot stop, and more change than at any time since he took power.

The beginnings of economic reform, forced by the end of the Soviet subsidies, has given a small but growing number of Cubans economic independence for the first time in 36 years. Mr. Chairman, 200,000 Cubans today are self-employed in restaurants, barbershops, repair shops, and other services. Small farmers and agricultural cooperatives are selling produce at market prices. Dollars are circulating legally.

The Catholic church is playing a larger role today in Cuban life. Small groups of Cuban citizens are gathering to discuss life after Castro. Signs of change in Cuba, modest changes to be sure, but they are beginning everywhere.

Mr. Chairman, the United States Government ought to be flexible and creative enough to respond to these changes, these signs of change in Cuba. We should have enough confidence in our Democratic values to take the initiative to cultivate and reinforce the process of change in Cuba.

Mr. Chairman, a key lever of United States policy should be the embargo of Cuba. I do not favor unilateral action to lift the embargo, but our willingness to ease the embargo, step by step in response to change in Cuba, is a powerful tool to foster and accelerate further change in the direction of reform.

We have other tools to foster change in Cuba. First, we can use that Cuban Democracy Act, sponsored by the gentleman from New Jersey [Mr. TORRICELLI], which I supported. Its provisions are designed to promote increased contact between the citizens of the United States and Cuba, including the free flow of information and the establishment of U.S. news bureaus in Cuba.

Second, we can spell out an assistance program to help bring about a transition in Cuba. We should authorize food, medicine, energy assistance for Cuba, and the same types of assistance we are providing to Eastern Europe and the former Soviet Union.

Insofar as I am concerned, I would advocate additional steps. The August 1994 limitations on remittances to Cuba were a step in the wrong direction. They should be lifted. The United States should promote, not curtail, people-to-people contacts between the United States and Cuban citizens by ending the travel ban. The United States should clear the way for the commercial sale of food and medicines in Cuba to help alleviate human suffering.

Mr. Chairman, I believe the issues in this debate are clear-cut. This bill increases the isolation of Cuba. I believe that is the wrong policy. The most important Republican foreign policy figure of his generation, President Richard Nixon, reached the same conclusion shortly before his death. He said, among other things, "It is time to shift to central focus of our policies from hurting Cuba's government to helping its people."

"Our best service," he writes, "to the Cuban people now, would be to build pressure from within by actively stimulating Cuba's contacts with the free world. What has worked in China now has the best chance of working in Cuba."

Still quoting him, "This means we should drop the economic embargo and open the way to trade, investment, and economic interaction, while insisting that ideas and information be allowed to flow as freely as goods."

I agree with former President Nixon. But he was not alone. Others opposed to further isolating Cuba include former Secretary of State Eagleburger, former National Security Advisor Brzezinski, William F. Buckley, Jr., and the editorial page of the Wall Street Journal. They also include Havana's Catholic bishops.

Mr. Chairman, I understand those who hate Castro. He has committed terrible acts over 36 years against the Cuban people. We all agree in this Chamber that Castro must go; the sooner the better. But we should not base our foreign policy on hatred of Castro. We should base our policy on what is best for the United States and what is best for the Cuban people. I think a policy based on punishing the Cuban people is not in the best interests of the United States.

Mr. Chairman, a policy of isolating Cuba over the past 36 years has failed to protect and promote United States interests in Cuba. Increasing that isolation and hardship, as this bill surely does, will only further harm the Cuban people and the American national interests. I think we should choose a different course. We should choose to engage the Cuban people in order to increase the chances for a peaceful transition to a democracy and a market economy.

Mr. Chairman, I also want to quote briefly from the letter from the Secretary of State. He recommends in a letter addressed to the Speaker, September 20, that the President veto the bill if it passes the Congress in its current form.

With respect to title II he says, "We believe that H.R. 927 would actually damage prospects for a peaceful transition." And I am quoting his letter:

> We have consistently objected to the overly rigid list of more than a dozen "requirements" for determining when a transition or a Democratic government is in power. These inflexible standards for responding to what may be a rapidly evolving situation could leave the United States on the sidelines during a transition.

Quoting again, "* * * the legislation fails to signal to the Cuban people that the United States is prepared to assist them once the inevitable to democracy in Cuba begins." The Secretary of State also says, with regard to the conditions in the bill, that they create a rigid conditioning of assistance that can have far-reaching consequences and may interfere with our ability to advance the national interests.

With respect to title III, he makes the argument, and I quote him, that is the title relating to property claims:

> While we are firmly committed to seeking the resolution of U.S. property claims by a future Cuban government, the right created by the bill to sue in U.S. courts persons who buy or invest in expropriated U.S. properties in Cuba is a misguided attempt to address this problem. Encumbering property in Cuba with litigation in U.S. courts is likely to impede our own efforts to negotiate a successful resolution of U.S.-citizen claims.

Mr. Chairman, he goes on to say, "This stance would be hard to defend under international law." With respect to title III, he says that:

> Title III will ultimately prove harmful to U.S. business. First, it sets a precedent that, if followed by other country, would increase litigation risks for U.S. companies abroad. Second, it will create a barrier to participation by U.S. businesses in the Cuban market once the transition to democracy begins.

He concludes on title III and says, "* * * the bill erects an enormous legal hurdle to participation by U.S. businesses in the rebuilding of a free and independent Cuba."

With respect to title IV, the Secretary concludes that it, "* * * will create enormous frictions with our allies and be both burdensome and difficult to administer." That is the title with respect to the visas.

Therefore, I urge my colleagues to defeat this bill when we vote tomorrow.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I want to thank the gentleman from New Jersey [Mr. MENDENDEZ], the gentleman from New Jersey [Mr. TORRICELLI], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New Jersey [Mr. SMITH], the gentleman from Florida [Mr. DEUTSCH], the gentleman from New York [Mr. ENGEL], and especially, I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for their very hard work in crafting a bill that I think will ultimately lead to the demise of the Castro regime in Cuba.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. DIAZ-BALART].

□ 2245

Mr. DIAZ-BALART. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I wish to speak to a number of issues that have been brought out in the last minutes. A whole gamut of arguments have been leveled, have been produced to try to defeat this legislation.

Earlier in the evening we heard some simpler arguments. The distinguished ranking member of the Committee on International Relations has just, in his typically eloquent way, gone into depth, espousing the position of the Clinton administration that I know he shares with regard to this legislation, and I think he has done so very effectively.

There are a number of points that I think need to be rebutted that the distinguished gentleman brought out, because I take issue with them, and I think that it is important to attempt to set the record straight. I will be brief in attempting to do so.

For example, he stated that the bill would permit people to incorporate a legal entity, and then, based on the cause of action being created by this legislation, go into court and try to sue traffickers of American property. That is not correct. The American citizen, individual, or legal entity, would have to exist before the enactment, be a person, before the enactment of this legislation in order to take advantage of the cause of action.

Other things were stated, for example, with regard to the Foreign Claims Settlement Commission, which I think I need to make reference to, because again I take issue with what was said. The argument was made that this legislation in some way would hamper or interfere with the process of certified claims under the Foreign Claims Settlement Commission. That is not the case. That process remains untouched. Only those certified claims by the Foreign Claims Settlement Commission need to be represented by the U.S. Government.

The new cause of action created by this legislation will be private with regard to nonresidential property in Cuba, and will lie solely against the traffickers in stolen United States property, and will end upon the occurrence of free and fair elections in Cuba.

Now, the arguments that were made earlier, quite frankly, Mr. Chairman, were more difficult to remain calm upon hearing them, because some of them I think were very unfair. But, in a democracy, one respects all points of view, even the most differing points of view. I think it is important to the democratic process that debate be able to take place respectfully.

Again, we heard, even after the gentleman from New Jersey [Mr. MENENDEZ] spoke, the allegation that a somehow narrow interest has to do with this legislation, a narrow interest because Cuban-Americans support this legislation, despite the fact that we see speaking just a few minutes ago the gentleman from South Carolina [Mr. SANFORD], despite the fact that the sponsor, the gentleman [Mr. BURTON], is from Indiana. It is the narrow interest of Cuban-Americans.

So, as my dear colleague and friend, the gentleman from New Jersey [Mr. MENENDEZ] said, we do not hear that on this floor when Americans of Jewish descent or heritage speak about their very passionately held views on the Middle East, or when Irish-Americans speak about American policy with regard to Northern Ireland. We do not hear about that being a narrow interest.

But even after the gentleman from New Jersey [Mr. MENENDEZ] spoke, we again heard that here. But again, Mr. Chairman, we have learned not to take those points, those assertions personally, and, rather, try to stick to the legislation in this instance. We put up with and listen respectfully to statements, misstatements that are made or allegations that are unfair. We do so conscious of the fact that it is a privilege to serve in this body and to represent almost 600,000 constituents, and at the same time to dream of and fight for the freedom of 11 million people who, for 37 years, have been bound and gagged by a tyrant who refuses to grant them that elemental right to self-determination, which can only be exercised through free and fair elections.

We think and we pray for the oppressed people of Cuba, and we work for the day that they can be free, conscious, when we come here and we listen to unfair accusations, that when we compare that, the discomfort that unfair accusations can cause. When we compare that to, for example, what it means when the gentleman from Indiana [Mr. BURTON] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] earlier made reference to this letter that we received today from, I believe it is 47 or 49 leaders of the dissident movement from within Cuba supporting this legislation, when we compare discomfort that may be caused to us by unfair allegations with what it means for these people and their families to, on the record, send us this letter on this debate, obviously, with the full knowledge and expectation that this letter will be used in this debate to help let the American people know about what the feelings of the oppressed Cuban people are. They know very well that the Cuban tyrant personally is watching this debate.

They know that he has representatives here in the gallery watching this debate. Those poor petrified souls, they are probably more scared of the tyrant than anyone can conceive of, because the head of the intersection here was just fired because he was not able to prevent this legislation from coming to the floor, despite the express orders of the tyrant and the Clinton administration. And I say this with all respect.

All of the arguments that we have heard them advance are prompted very simply by one reality. They were threatened by Castro in the summer of 1994 with an immigration crisis. Castro felt that President Clinton would respond to the blackmail by sitting down at the negotiation table, and he was correct. Then when he saw that the party that I am honored to belong to won the elections in 1994, and he saw that we filed this legislation, and he saw that the possibility existed, despite the feeling of outrage expressed by our colleague, the gentleman from New York [Mr. RANGEL], that it will never become law, when the tyrant of Cuba sees that he has to fire his intersection chief and that this very well may become law, he again threatened the Clinton administration.

He said, you must veto this, or that immigration agreement that we sat down and negotiated, where I promised to become in effect a collaborator, Castro said of the United States, in holding back refugees because of the anti-immigrant feeling now in the United States. Oh, Castro said to Clinton, now again, if you do not stop this bill, I will abrogate the agreement and unleash, once again, immigration blackmail.

A little history, Mr. Chairman, I think would be helpful at this time with regard to democratic transitions. I wanted to say, by the way, in wrapping up that concept that I have hope that the President of the United States will reconsider this position and that this letter that was sent to us today by the Secretary of State will tell Mr. Castro that the superpower is the United States, and that moribund dictatorship is the Castro regime.

I am confident that the President will reconsider his position and do with the letter sent to us by Mr. Christopher today what I think is required of him, which is to reject that advice, and reject the blackmail and the threats of the Cuban tyrant.

I am confident that the President of the United States, really that any President of the United States representing the great people of this Nation, the only superpower remaining in the world, will reconsider and tell the Cuban tyrant what he has to be told.

Now, as I stated, a little history with regard to democratic transitions would be helpful at this point, I think, Mr. Chairman. In every case where there has been a transition from a dictatorship in the last 40 years in the world to a democracy, it has been because, and I want to, if I may, speak separately about the Soviet Empire, because we have heard tonight that the Soviet Empire collapsed because of engagement.

I happen to believe that the Soviet Empire, as I think the gentleman from

Indiana [Mr. BURTON] mentioned before, collapsed when two factors came into being. First, the dictator that happened to take power in the Soviet Union in 1985 thought that he could make communism effective and efficient, and came up with a concept of glasnost and perestroika, in other words, that communism somehow, with some sort of human face, in other words, that he could be a dictator, a Communist dictator without killing.

When we combine that with having run into Ronald Reagan, this Strategic Defense Initiative, and the fact that the Soviet Union tried to match the United States and remain a military superpower, the Soviet Union exploded like a balloon full of hot air. So that is with regard to the Soviet Empire. But let us look at the other democratic transitions.

The Dominican Republic, after 32 years, the dictator Trujillo was assassinated. The Organization of America States had imposed sanctions and was in the process of expelling the Dominican Republic. The new regime, faced with the international sanctions, let the exiled opposition movement return, the Dominican Revolutionary Party, and agreed to hold elections in 1962 in Spain. There the dictator was not assassinated, but his hand-picked successor was, and then he died of natural causes in 1975.

I lived in Spain in my high school years. I recall the isolationism that Franco was subjected to. At the beginning of his regime he was actually expelled from the United Nations. All Ambassadors were withdrawn, and he was never admitted back into the European Community. And to the very end of his days, Franco had to, even with foreign investments coming in, had to live with the reality of absolute diplomatic exclusion and by charter, the European Community, which was then called the Common Market, stated that only representative democracies would be admitted into that organization.

What happened? The dictator physically disappeared. The regime agreed to legalize political activity and to hold elections.

The Greece of the colonels in the 1960s and 1970s, again excluded from the mechanism of the European Community, and nobody would have dreamt to advocate constructive engagement or letting the Greece of the colonels back into the incipient European Community organizations.

The South Africa of the apartheid regime, this Congress and the world community imposed international sanctions, and we saw that there, voluntarily, the dictatorship agreed to hold free and fair elections.

The chief of Chile, Pinochet, the world community again continued to condemn time after time and isolate the regime. Could it have been conceived of that Pinochet would have been invited to any conference of Latin American leaders?

□ 2300

That any Latin American or European or any other leaders would have invited him to the table to sit down and be treated by like a democratically elected President? No. That dictatorship voluntarily, like the South African dictatorship, agreed to a change.

Mr. Chairman, where have there not been democratic transitions, where constructive engagement has not been accompanied by even political sanctions? China and Vietnam that we hear about all the time. The advocates of engagement, who coincidentally happen to be those who led the fight for sanctions in South Africa, led the fight for sanctions in Haiti, led the fight for sanctions against Chile, but with regard to Castro's Cuba are seeking so-called engagement.

Mr. Chairman, the gentleman from Indiana [Mr. HAMILTON] said that policy is working in China. What I see working in China is that Mao Tse Tung died and the communist dictators are still in power and there is no pressure for a democratic transition because if you get all the investment and you don't get any of the political sanctions or economic sanctions, you can be there, call yourself what you want to call yourself. Franco called himself a Phalangist. The Chinese fascist thugs still call themselves, I believe they still call themselves Marxist-Leninists. They are thugs, they are dictators. They demonstrated in Tiananmen Square just a few years ago. So that is a little history that I think is important to realize.

Mr. Chairman, the Cuban people are bound and gagged. The Cuban people, as the gentleman from South Carolina [Mr. SANFORD] said when we went with the gentleman from Indiana [Mr. BURTON], the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentleman from New Jersey [Mr. MENENDEZ], when we went to meet with the democratically elected representatives of the Cuban people who had arrived weeks before at Guantanamo, 30,000 of them were there and they had elected their leaders, one of the few elections, the only election that had taken place on Cuban soil in many, many years, they told us, as the gentleman from South Carolina [Mr. SANFORD] said, why can you not get the Spaniards and the rest of the Europeans and the Mexicans to stop trading and join in international sanctions?

Well, we may not be able to get them to show any ethics in the United Nations. I think, by the way, and this bill calls for, the President to seek an international embargo at the U.N. Security Council. The administration comes back and says, "Well, even our unilateral embargo gets condemned." I had to hold my laughter when members of the National Security Council gave me that argument. I said, please do not tell me that when Mr. Aristide, in custody of the Secret Service in his Georgetown exile, votes to condemn American policy, that you are using much advocacy or really trying to convince Mr. Aristide not to condemn American policy in the General Assembly, and they could not answer it. Do not tell me that when you cannot get Mr. Balaguer of the Dominican Republic or the President of Guatemala or the President of Honduras to vote with the United States in the United Nations General Assembly that you are using a lot of political capital or advocacy. That is a farce.

Mr. Chairman, I think that every year the administration picks two or three countries not to condemn or embargo. That is my personal belief, no proof of it. But I think we could convince Guatemala and Honduras not to condemn us. I truly believe so, that our State Department could do that.

So the Cuban people, bound and gagged, for 37 years disarmed, one of the first things that Castro did was say when he arrived in Havana, the issue of racism was brought up, some people referred to him at that time as the great white hope. Another issue for discussion perhaps another day. He said, armas por que, arms for what? The people who had arms turned them over before they realized what kind of a totalitarian system this man was going to institute. They are unarmed, they are bound and gagged, they want the right to free elections. When we hear our colleagues say that we all support free elections, what are we willing to do about it?

What the American people are willing to do about it, number one, is tell our business community that they cannot trade and profit from the oppression of Castro, and now we are telling the international business community that if they want to go in there and purchase the property that used to belong to American citizens, nonresidential, Castro continues to lie about that, that then they will have consequences in this market.

The practical effect: Choose. Cooperate with the more abundant dictatorship or have access to the American market.

I think the American people are going to be proud of this bill. It is in the best traditions of the American people. The American people are the only people that helped the Cuban people in the 19th century after a hundred years of struggle when the Cubans were fighting against Spanish colonialism and the American people were proud of that chapter in American history.

They are going to be proud of the fact that the Cuban people, when they get over this nightmare, they will be able to look in the eye each and every

American citizen and say that you and each and every American citizen will be proud of the fact that their representatives followed a policy throughout this era that can make them proud. And that stands with the Cuban people, and on the issue of Cuba, the only people we have to be worried about standing with are the Cuban people.

Mrs. THURMAN. Mr. Chairman, Mr. Chairman, I rise in strong support of H.R. 927, a bill that will hasten the restoration of freedom to the people of Cuba.

The collapse of the Soviet Union ended the subsidies and trade benefits that have propped up Castro's regime. The end of these subsidies has highlighted Castro's inability to provide even basic necessities for the Cuban people.

In comparable circumstances in Eastern Europe, the United States sought political reform first and then expanded trade and eventually provided foreign assistance. Similarly, a policy of political and economic reform would provide the Cuban people an opportunity to regain the freedom they deserve.

Expanding commercial activity before real reforms occur, however, simply gives Castro an opportunity to obtain hard currency while continuing his policies of violating human rights and denying Cubans their personal liberties.

Mr. Chairman, Cuba is a unique case in American foreign policy. Policies that have worked in other parts of the world are not applicable in Cuba. Arguments that may have sounded proper when applied elsewhere ring hollow in Cuba.

As long as Castro rules Cuba, Florida will face the continued threat of massive illegal immigration. And Castro will rule as long as he receives hard currency that enables him to pay his minions. And Castro will continue to receive this money until we toughen our policies against those quick buck companies that are lining their pockets at the expense of the Cuban people.

I believe that this legislation will continue pressure on Castro while assuring the Cuban people that the United States will support a truly democratic Cuba in the future. Make no mistake about it—only a democratic Cuba that guarantees true freedom for all Cubans will remove from the people of my state the threat of more massive boatlifts of Cubans.

Mr. MARTINI. Mr. Chairman, I rise in strong support of H.R. 927 and congratulate Representatives ROS-LEHTINEN and DIAZ-BALART for their work on it.

I am convinced that each day that passes brings us one day closer to a free and democratic Cuba.

Such an isolated, repressive, and authoritarian regime cannot last much longer without its former patron, the Soviet Union.

Here in the United States and indeed in this House we witness every day the strong-willed determination that characterizes the Cuban people.

Such a people will not tolerate Castro's brutal and cowardly oppression if they see an opportunity to overthrow it.

In its place they will institute a democratic society grounded in an economy that respects private property and a political system that encourages freedom of thought.

This rebellion is inevitable, but the quicker we can weaken Castro's regime, the quicker the Cuban people can throw off his yoke.

To coddle this dictator, to deal with him and in so doing tacitly endorse his regime, would only prolong his rule and bring more misery to the Cuban people.

Tighten the noose around Castro's neck.

Support H.R. 927.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

Cuba is one of the few countries in the world in which the struggle against totalitarianism has not yet been won. Because of the proximity of Cuba to the United States and the historically close relationship between the peoples of our two nations, it is especially important that this victory come sooner rather than later.

In evaluating all proposed legislation, administrative action, and diplomatic initiatives with respect to Cuba, it is important to keep several principles in mind:

First, such actions must be calculated to emphasize the status of the Castro government as a rogue regime with whom the civilized nations of the world should have no dealings. The 1994 and 1995 Clinton-Castro immigration agreements, which represent the clearest manifestations of the Clinton Administration's policy toward the Castro regime, fail this test miserably. They have enhanced Castro's international prestige as well as his domestic power. Now we hear that some within the Administration would like to give this brutal regime an even longer lease on life by making further diplomatic overtures. The Cuban Liberty and Democratic Solidarity Act of 1995 would restrict the ability of this administration or any other administration to make such a mistake.

Second, our actions must be calculated to hurt the Castro government, not the Cuban people. Again, the 1994 anti-refugee agreement was a terrible mistake. It gave the Castro government just what it wanted: an end to the longstanding United States policy to accepting people who escape from Cuba. The agreement specified that Castro was to use "mainly persuasive methods" to keep people from fleeing Cuba. The United States thereby accepted moral responsibility for whatever forms of persuasion he should choose to employ. The harsh conditions now being imposed on the refugees in Guantanamo—especially the requirement that they can only apply for refugee or legal immigrant status if they first return to Castro's Cuba—are another victory for the Castro government.

An economic embargo presents more complicated moral and practical problems. There is no question that an embargo imposes short-term economic hardship on innocent people. It is therefore justifiable only if it is genuinely calculated to bring a speedy end to the regime that is the real source of their suffering. An embargo is far more likely to have this effect if it is respected by as many nations as possible. Again, the Cuban Liberty and Democratic Solidarity Act would help, by denying certain benefits to non-U.S. entities that evade the embargo.

Finally, we should make it clear that Cuba will receive a warm welcome back into the family of free and democratic nations. The provisions of the Cuban Liberty and Democracy Act that provide for transitional support of a free democratic government during the immediate post-Castro period will help to send this message.

Mr. Chairman, it is important that we remember just what kind of regime we are dealing with. I hope that my colleagues, in casting their votes on H.R. 927, will bear in mind that the Castro regime is the No. 1 violator of human rights in our hemisphere.

According to the State Department's Country Reports on Human Rights Practices for 1994, "Cuba is a totalitarian state controlled by President Fidel Castro," who "exercises control over all aspects of Cuban life * * *." According to the Country Reports, among the more serious human rights violations by the Castro regime during 1994 were the following:

The authorities were responsible for the extrajudicial killing of dozens of people.

In two separate incidents, government vessels rammed and sank boats used by citizens to flee the country * * *. [O]n July 13, government vessels fired high-pressure water hoses at the tugboat Trece de Marzo * * *. They then rammed and sank the boat. * * * Approximately 40 [people], including children, drowned.

[T]he Government continued to employ "acts of repudiation," which are attacks by mobs organized by the Government but portrayed as spontaneous public rebukes, against dissident activity.

The Government also metes out exceptionally harsh prison sentences to democracy and human rights advocates whom it considers a threat to its control.

[P]olice and prison officials often used beatings, neglect, isolation, and other abuse against detainees and prisoners convicted of political crimes (including human rights advocates) or those who persisted in expressing their views.

Gloria Bravo, a member of the Association of Mothers for Dignity, had scars on her neck, chest, and arms from deep gouges made by long fingernails and welts on her back from a whipping.

In September Minister of Higher Education Fernando Vecino Alegret affirmed that commitment to the revolution, including a willingness to defend the revolution in the streets, was a condition for admission to the university.

Citizens have no legal right to change their government or to advocate change.

The Government does not allow criticism of the revolution or its leaders.

* * * The Communist Party controls all media as a means to indoctrinate the public.

[R]eligious persecution continues.

The Government has ignored calls for democratic reform and labeled activists who proposed them "worms" and traitors.

The decision on whether to embrace or isolate the Castro regime raises the question of what role human rights and basic decency are to play in our foreign policy. For American values and for the freedom of the Cuban people, please vote yes on H.R. 927.

The CHAIRMAN. All time for general debate has expired.

Mr. BURTON of Indiana. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KIM)

having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE JIM KOLBE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable JIM KOLBE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for testimony and the production of documents by the Justice Court of the State of Arizona, in and for the County of Pima in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

JIM KOLBE,
Member of Congress.

□ 2310

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

G.V. MONTGOMERY COMMENDATION FOR COL. JAMES MATTHEW JONES JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I wish to congratulate Col. James Matthew Jones, Jr. who will retire from the Army in September. Colonel Jones faithfully served his country with the Army over the last 32 years and due to his outstanding effort and ability, deserves recognition at this time.

Colonel Jones enlisted in the U.S. Army on October 17, 1963. After completing basic training at Fort Gordon, GA, and advanced training at Fort Jackson, SC, he was assigned to Korea with the First Cavalry Division. He completed this tour of duty in May 1965 and was assigned to Fort Story, VA, prior to going to Officer Candidate School [OCS] at Fort Benning, GA, in March 1966. He was commissioned a second lieutenant of infantry on 22 September 1966 and assigned to Fort Polk, LA, where he served as a company executive officer and company commander. In July 1967 he was assigned to Vietnam with the 1st Battalion, 327th Infantry (Airborne), 1st Brigade, 101st Airborne Division, where he served as Rifle platoon leader, company executive officer and company commander. During this tour, he was wounded in action, but refused to be evacuated. He was, however, awarded the Purple Heart.

In August 1968, first lieutenant Jones returned to the States where he was promoted to captain and assigned to Fort Benning, GA, and the Infantry Officer Advanced Course. He returned to Vietnam and the 1st Battalion, 12th Cavalry, 1st Cavalry Division, where he served as a company commander and Battalion operations officer (S–3). During his two tours—2 years—of combat and as a small unit leader, he did not have one soldier killed in combat under his command. On the other hand, his soldiers killed and captured more enemy and equipment than like-size units. He returned from Vietnam in November 1971, spent 2 years on the staff at Fort Meade, MD, and graduated with honors from Morgan State University in 1975 under the Army Degree Completion Program. Captain Jones was subsequently assigned to Fort Bragg, NC, and the 2d Battalion (Airborne) 505th Airborne Infantry, 82d Airborne Division. While there he served as battalion adjutant and operations officer.

In November 1977, now Major Jones was assigned to the 25th Infantry Division at Schofield Barracks in Hawaii. His assignments included Brigade adjutant, officer management, and Battalion executive officer. Major Jones returned to the United States to attend the Command and General Staff College at Fort Leavenworth, KS, in the summer of 1980. He graduated as a member of the centennial class in June 1981. His follow-on assignment was with the Department of the Army Inspector General in the Pentagon.

In 1982 he was selected for lieutenant colonel and battalion commander of the 4th Battalion, 9th Infantry Regiment, 7th Infantry Division, Fort Ord, CA. During the next 2 years he led the unit through numerous successful field training exercises. Relinquishing command in July 1984, Lieutenant Colonel Jones attended the U.S. Army War College at Carlisle, PA, graduating in June 1985. He was assigned to OCLL as a liaison officer in the U.S. House of Representatives and later as a colonel and chief of the House Liaison Division. In June 1989, Colonel Jones assumed command of the 11th Infantry Regiment at Fort Benning, GA. Relinquishing command in July 1991, he served as the director of the Army's family support program for a short period of time prior to returning to OCLL as the deputy chief.

Col. Jim Jones is culminating his service as chief, Congressional Inquiry Division. He effectively used his vast knowledge of the Army, his personal communications skills, and his management abilities to tell the Army story. He had personal and daily contact with members of Congress and key committee staff providing critical information. Colonel Jones guided and personally assisted U.S. Representatives in verbal and written responses to consistency resulting in strengthened relationships while promoting the Army's interest and professional image to Congress.

Colonel Jones is indeed the quintessential officer. His selfless service, love for soldiers, commitment to excellence, and caring professionalism have continually provided inspiration to those with whom he has served. This exceptional officer truly personifies those traits of courage, competency, and integrity our nation has come to expect from our Army officers. He has served our Nation well and our heartfelt appreciation and best wishes for continued success go with him as he prepares for his next endeavor.

THE TRUE SITUATION WITH MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 25 minutes as the designee of the majority leader.

Mrs. MYRICK. Mr. Speaker, we thought we would like to give an explanation of what is really going on in the situation with Medicare. We have heard so much discussion over this past couple of weeks, and we are going to hear more, especially tomorrow, when the plan is actually released.

I wanted to clarify just a very simple point. That is that it really is true that the fund is going bankrupt, and will be bankrupt in 7 years, and this is not something that is just a figment of someone's imagination or politics or political rhetoric, it really is true. This is part of the conclusion of the Medicare trustees, as we see on the chart before us, that the fund will be exhausted in 2001, and that they also made a statement right after that that simply says that the present financing schedule for the Medicare program is sufficient to ensure the payment of benefits only over the next 7 years.

This is why the Republicans have taken it very seriously, that we must deal with this, we must be up front on this issue, and we must be responsible. We must find a solution. That is what we are doing with the help of the American people.

The thing that has been so gratifying to me is that when I have been home in my district over the last few weeks, we have spent so much time not only talking with seniors but talking with the hospitals and the providers, the doctors, and really getting a lot of input. I know all my colleagues have been doing the same thing. The encouraging part is that the people really do understand that there is a problem, and they want to be part of the solution.

We have been very, very, I think, pleased with the idea that people have come forward and said, "I want to help, and I would like to give my suggestions, and will you really take these to heart?" We want the American people to know that yes, we take these suggestions to heart, and we really are going to incorporate them to make a better system for the American people.

Mr. HAYWORTH. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I am delighted to yield to my colleague, the gentleman from Arizona.

Mr. HAYWORTH. The gentlewoman from North Carolina, Mr. Speaker, makes a very valid point. As I look here tonight for this special order, I see my colleagues, the gentleman from Arizona, two of my colleagues from Oklahoma, and a colleague from Indiana.

I think nationwide we have been getting outstanding input from members of our various districts, citizens and constituents in our district. I think the unique aspect of this is something that the gentlewoman from North Carolina [Mrs. MYRICK] referred to. In stark contrast to that very cynical statement that laws are like sausages, no one should watch closely while either are being made, we are going in totally a different direction with this.

Indeed, because we are representatives serving here in the Congress, we are going home. We are not only talking to seniors in the district, but pulling together folks from various walks of life for our task force meetings, and the thing that I think is important to stress is that this discussion is open to everyone, regardless of their partisan affiliation or political dispensation, regardless of their age. Every citizen in this country should be involved in this vital debate, for while it now affects seniors, and I think particularly of my granddad who resides in the State of North Carolina, 91 years of age, and my parents who reside in the district represented by the gentleman from North Carolina [Mr. COBLE] who will soon be aging into that program, I think some 3 years away from Medicare, this is a program that vitally affects our seniors, but also has great implications for our future as a Nation in terms of offering choice; indeed, in terms of bringing elements of the free market back into medical coverage, and transforming and saving and improving Medicare for future generations.

I think the gentlewoman from North Carolina is to be commended for setting aside this time to take a look at what has transpired in the past, and again to say to the American people, Mr. Speaker, those joining us tonight via television, those who have written us, faxed us, phoned us, the debate continues on.

Mrs. MYRICK. That is very true.

Mr. HAYWORTH. I know with great clarity my colleague, the gentleman from Arizona, put together a town hall that was really quite a sight and very gratifying. I know that the input continues.

Mr. SALMON. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I am glad to yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, this debate is probably the most crucial thing we have debated since we began this Congress in January. It is important for a lot of reasons. It is important because, as I have done my town halls back home and I have talked to the senior citizens in my district, they have very, very clearly given me the understanding that they want to change Medicare so that it lasts beyond the next 7 years.

I give the seniors that have come to my town halls, that have called my office, that have come in to visit with me personally, a lot of credit. They are not individuals who are shortsighted, who are not concerned about the future of this program. No. 1, most of them hope to live beyond the next 7 years, at least the ones that I have talked to. No. 2, they realize that this is an important program that needs to be around for their children and their children's children.

I have sensed a lot of support. In fact, the town hall that the gentleman from Arizona [Mr. HAYWORTH] was referring to, we had about 700 to 800 people show up. I was so pleased to see the kind of can-do attitude that Americans have always had, that we will fix this system, that we will preserve and protect the Medicare system, because it is too important to politicize.

As we talked about options, I think very clearly they gave me a message. That is, "When you go back there to fix this problem, make sure that you preserve our dignity and that you do not interfere with our relationship with our doctor, and that you do not take away our choices, but you enhance our choices so we can take the direction for our own medical care and take it away from the bureaucrats, give us more decisions. If the problem is waste and fraud, involve us in the solutions. Let us shop around so we can get the best deal."

That is why I am so thrilled with the prospect of the medical savings accounts, which puts the power back in the hands of the individual, not bureaucrats who do not have a vested interest in the outcome of this individual's health care, but it gives seniors the ability to barter, to choose the doctor of their choice, to stop the mumbojumbo that is created here in Washington, and to take control of their own lives. I am just really pleased that we have come up with a plan that incorporates so many choices, and will help seniors again to take control of their own destiny.

Mr. MCINTOSH. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from Indiana.

MR. MCINTOSH. Mr. Speaker, I want to say I appreciate my colleague's putting together the opportunity tonight to share with the American citizens what we are hearing about Medicare. I wanted to share a report from Indiana about what citizens in my district have been saying. I held 12 town meetings in August, and four more meetings just last weekend with a special Medicare advisory task force dedicated to developing ideas to preserve and protect and improve Medicare.

I wanted to let people know, probably the greatest worry that constituents in my district have was preserving Medicare. They are worried that if we do not act soon, it will not be available for 33 million Americans, and it will go bankrupt within the next 7 years.

I wanted to get their ideas on how we could fix that very serious problem. I told my constituents I would forward these ideas to my colleagues here in the House of Representatives, and to the Speaker, the gentleman from Georgia [Mr. GINGRICH], as we considered legislation in Congress to preserve, protect, and improve Medicare.

□ 2320

The following is what some of the Hoosiers in my district told me we should consider as we look for ways to improve the current Medicare system and ensure that we keep our compact with senior citizens to be able to provide them the quality health care in the world.

First, do not play politics. They do not want us to play around with this legislation. They do not like the fact that the President and members of the minority party are willing to do nothing in order to score political points, and they commend our effort to step up to the plate and address this very serious problem.

Second, they want us to tell the truth. A lot of them were very nervous about cuts in Medicare, and they were seeing on the nightly news that we are cutting Medicare. They asked me, "What are you going to do about this?" I showed them a chart similar to the one that we have here tonight and pointed out to them that the truth is Medicare is actually going to be increasing under our plan. It is going up from $4,800 per beneficiary this year to over $6,700 per beneficiary in the year 2002.

People were pleased that we were being honest about this. We pointed up, that is not as fast as some people want it to grow in Washington and they are calling it a cut because we did not increase it as fast as they wanted to, but they were relieved to see that Republicans were committed to increasing spending in Medicare so that we can provide good quality health care.

And then the No. 1 issue that senior citizens asked us to address was to reform the system so that they could eliminate the fraud and abuse that is driving up the cost, and the No. 2 issue was to provide them more choices, so that they could take advantage of a lot of the new benefits in the health care system and be able to choose for themselves what type of health care they

wanted, what type of coverage they wanted to get, and how they wanted to have their relationship with their doctors structured.

I want to close my report from Indiana by saying that I was very pleased with the input I got from citizens all over the district and pleased that they were willing to spend the time to help us craft legislation that will allow us to increase spending on Medicare, preserve and protect the system for senior citizens in the future, and I think they will be thankful that this Congress did not play politics with a very serious issue and stepped up to the plate to do what is right for all Americans.

Every senior had a personal example of fraud in his Medicare billing, including one in Milroy who was billed $5 for one aspirin, or another in Columbus who would take a taxi to the hospital instead of a bus because Medicare would not reimburse travel for the less expensive bus.

Constituents in Pendleton said they were told by hospital officials not to worry about what was on their bills.

"Don't worry," one hospital official said. "You're not paying for this—Medicare is."

Excessive paperwork required by Medicare also was mentioned at every Town Meeting.

One constituent from Alexandria suggested paperwork could be reduced by introducing competition.

She suggested private-sector firms could be used to process claims, with those that process claims the fastest receiving a bonus.

A man in Pendleton suggested a flat tax-like form to reduce Medicare paperwork.

Seniors told me they should be allowed to purchase their own insurance, and that competition would reduce fraud and overall costs.

One woman in Cambridge City said her daughter's HMO provided greater coverage, such as for eyeglasses and dental services, than Medicare does.

"Competition is good," she said.

"Let me decide the kind of insurance that's best for me."

A woman in Elwood said people should be held responsible for their own bad health habits.

For example, she said, smokers should pay more for Medicare than nonsmokers, giving Americans an incentive to live healthy and reduce overall health costs.

One witness, in Muncie said that he welcomed choices but wanted to make sure we had "Truth in Health Care," each choice lays out cost and coverage.

Finally, Mr. Speaker, a man in Union City said seniors who work full-time past the age of 65 should have the option of remaining on their private insurance plans.

Mr. Speaker, I was heartened to learn that Hoosiers recognize the need for immediate action to save Medicare.

But more than that, they want to ensure that we learn from the problems in the current system as we work to preserve, protect and strengthen Medicare while also offering seniors more health care choices.

Mr. Speaker, Indiana seniors are paying attention to this issue.

They understand that something must be done. They expect us to act. They know we are listening, and I insist that we act boldly, responsibly, and without delay.

I see my colleague from Oklahoma has risen. Would you like to join us in reporting on what you are hearing from your part of the country?

Mr. WATTS of Oklahoma. If the gentleman will yield, I would like to do that.

Mr. McINTOSH. With pleasure.

Mr. WATTS of Oklahoma. It is interesting, my colleague from Indiana put up the chart there that says that Medicare spending will go from $4,800 per beneficiary this year to over $6,700 per beneficiary in the year 2002. Somehow or another over the last 4 or 5 months, some have been able to get a cut out of that. I know that my math is not what my other colleague's from Oklahoma is, but I just cannot figure that out, how that is a cut. That is almost like my son coming to me and let us say I am giving him a $10 allowance and he comes to me and he says, "Daddy, I want my allowance raised to 20 bucks."

I say, "Well, I'll give you 15," and he goes to his friend and says, "My dad cut my allowance." How he can get a cut out of that, I do not know.

In the town meetings that I did, and I did about 18 different forums, town meetings, over the August break, and what I found, it was interesting that last March I started doing some focus groups and visited with some folks, about 60 senior citizens in a local church, and we had dinner together. After dinner, we talked about Medicare. It was amazing what they were saying then, and I think because they use the system, they are out there in the trenches on a daily basis trying to make this system work, they saw many of the flaws that are in the system.

The number one complaint all over the district they have been talking about is the fraud and the abuse of the system and how that hurts those people that really do it the right way and really want to see the system work. But it was interesting the attitude shift from back in March when we first started doing the town meetings and the focus groups and the different forums to where it was in August, when we were doing the town meetings and focus groups.

Back in March there was a little apprehension and people were saying, "Well, yeah, we don't know what's going on with this Medicare thing, but we're willing to wait and see because we know there's some fraud, we know there's abuse, we know the system's a little out of kilter but we're wanting to see what you guys are going to propose." That was what was being said in March. In August they were saying, "Fix Medicare. Take care of the problems. Get rid of the fraud and the abuse, and cure all the problems with Medicare."

I think it is important to note, as it has been noted here with my 3 previous colleagues, is that the Medicare Board of Trustees in the last 2 annual reports, in 1994 and again in 1995, said that it is going bankrupt. It will be broke in 1996, it will be bankrupt by the year 2002. I think it is very irresponsible for any Congressperson that has a vote in the 104th Congress to say that we should not do what we must do to fix and save and protect and strengthen the Medicare system, as my colleague from Arizona said, not just for today's seniors but for future seniors that depend and that will be depending on this program.

I see my other distinguished colleague from the State of Oklahoma that represents my home district, by the way, he has risen, and I will yield to him.

Mr. COBURN. I appreciate that very much.

Mr. Speaker, I bring a somewhat different perspective to this debate. Many of the people in my district know that I am a practicing family practice physician. I get a unique perspective because not only have I been a provider in the Medicare system and I have hundreds and hundreds and near thousands of patients who are on Medicare. I get to see what they say and what they like about Medicare, and the security they have in knowing that their health care is going to be there, and at the same time the obligation of being a physician is to offer yourself to solve the problem.

It just strikes me that of the group of people that are talking here tonight, what the election in 1994 was all about. There is not a career politician among any of the group that has stood up here tonight to talk. Many of us have already signed commitments that we do not want to be here. I have no plans to be here 6 years from now.

Therefore, what is our goal? Is our goal self-aggrandizement? Is our goal to elevate ourselves? Or is our goal, do we really come here with the best interests of everybody in our district, the best interests of the senior citizens in this country, to solve the problem?

I want people to know that there is no patent on caring. I would not have left a medical practice, other people would not have left other great careers to come and do what we are doing if in fact we did not want to solve the problems.

We have lots of input on how to solve this. The one thing that we should all ask is are we getting value for what we are paying for? Therein lies the problem with Medicare.

And the seniors know the answers. The seniors know where the problems are, whether it is fraud, whether it is waste, whether it is a lack of comprehension of how the system works and how we have excluded seniors from the payment of bills so they will not know what they cost and how we have allowed a system to be overused and

abused. It just strikes me that the way we solve this problem is that we are honest. We are going to make some mistakes. We are not going to have a perfect solution for Medicare. But what we are going to do is work hard, listen and try to do the right thing.

You cannot take that away from me. I can sleep every night knowing that my interest is best in watching for my district and the seniors, and also the taxpayers in our district. We can solve Medicare. We are going to solve Medicare. We are going to make a viable, optionable, quality-oriented health care system that every senior in this country can depend on and can count on and they are not going to have to go to bed at night worrying about whether or not it is going to be there in the future.

□ 2330

Mr. McINTOSH. Will the gentleman yield for a question?

Mr. COBURN. I yield to the gentleman from Indiana.

Mr. McINTOSH. As a doctor, were you hearing from citizens in your district that they welcomed the chance to have a choice about health care plans; that they would be able to maybe be able to get benefits to cover their medications, which they cannot right now under Medicare, and some of the other options that the current system, because it is so heavily regulated out of Washington, does not provide for senior citizens?

Mr. COBURN. I think that is very true. I think with a problem comes opportunity. And we have a problem. The trust fund is going broke, but the opportunity that we have is to not only preserve what we have, but to strengthen it and improve it.

I have seniors in my district that choose between eating supper and taking a pill. And to have them have an option that would take away that burden, where they will not have to make a choice between a medicine and supper, is something that many of them would welcome.

I talked to a lady today on the phone and she said, "I do not think that is possible. I think that is a scam." But the fact is, there are going to be options out these where seniors can choose to go into a program that will offer them their medications.

Mr. McINTOSH. Would that not be a blessing?

Mr. COBURN. It would be a blessing for hundreds and hundreds of people in my district to have that option. It is not available to them now.

We need to listen to the seniors of this country. They have a lot of experience to share with us.

Mrs. MYRICK. If the gentleman would yield for just a moment, I wanted to make a point too. There is another option we really have not discussed tonight and that is something that was asked of me a lot in my district when people would come up and say, "What is going to happen?" And we would tell about the choices and they would say, "Why can I just not stay in the plan that my employer had for me? It was a good plan and I liked it a lot better." That is going to be another option that we hadn't talked about; the option that they can stay as they are if they want to.

Mr. McINTOSH. So you are saying, under our reform, if somebody wanted to stay in Medicare under the program they know right now, they could do that?

Mrs. MYRICK. That is exactly right.

Mr. SALMON. Would the gentleman from Indiana yield? That is the beauty, and as I have talked to the seniors in my district, in fact, my father, before I came back to Washington this last week, he said, "Son, you better make sure when you get back there that you guys preserve those options that you have talked so much about, because I am looking forward to this. Right now, the current Medicare system just is not giving me these kinds of options, and I like the medical savings account option, personally, because it will incentive me to control my own costs. I think I can do a better job of controlling my costs than a nameless, faceless bureaucrat in Washington can do."

Let us talk about the options. Number 1, I think it has been mentioned that they can stay on the current fee-for-services type program. They can move to an HMO or PPO type program. They can go to a medical savings account.

Mr. COBURN. They can go to a provider-based network to do that. So the options that are, in fact, not available now, are going to be available that they have not had before. They not only will have choice of options, but choice of doctors.

Mr. SALMON. And the difference between who decides what those options will be is that it will not be dictated by some bureaucrat. The choice is up to the individual.

Mr. McINTOSH. If the gentleman would yield, the minority leader is on television a lot telling seniors they are going to have to spend another $2,000 under this plan, but is it not the truth that, in fact, some of these options will mean it will not cost them as much as it does right now? That they will actually save money because of our plan?

Mr. SALMON. I believe so. In fact, most people out there will actually do better under this plan.

Mr. McINTOSH. Why do seniors not know that?

Mr. SALMON. I would say this to the American public. If you think that Washington has managed your dollars well in the past, then we have every reason to believe that the bureaucrat-laden system that we have got is the best thing. But if we believe that the American people out there can take control of these costs, and that they can look out for their needs better than a bureaucrat can, then this option is the best way to go.

Mr. McINTOSH. So it really is just not true that they are going to have to pay thousands of dollars more, and, in fact, sometimes people will save money under our plan?

Mr. SALMON. In fact, I think in most circumstances the individuals will save money and will do better under our plan, because there are more options and there is less interference between their relationship with their doctor.

Mr. COBURN. I would like to interject one thing. It is not moral to take away somebody's comfort about their security. And there is no intention anywhere in any of the plans to do anything other than to make sure every senior citizen in this country has quality affordable health care.

Mr. WATTS of Oklahoma. If the gentleman would yield for 1 second, as we close, I want to clearly define why we are offering options and choices. That creates competition with doctors, hospitals, insurers. They compete. And when you make the marketplace compete for market share, that gives value, that brings about efficiency.

Just one simple illustration, if I see this ink pen, if I am the only one settling it I can sell it for what I want to sell it for. If my other colleagues come along and set up shop and say we are going to sell ink pens, I have to be more conscious about how much I am selling it for. That is why we are giving options for efficiency.

THE TRUTH ABOUT MEDICARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 20 minutes as the designee of the minority leader.

Ms. JACKSON-LEE. Thank you, Mr. Speaker. And I appreciated the dialog and interchange of my colleagues who, like me, are mostly freshmen in this House. But I think that if we are to provide a real discussion, it must be clear, decisive, nonagrumentative, and as forthright as we can possibly be.

And I think if there is one singular indictment of this so-called proposal by Republicans to help Americans with respect to Medicare, it is that they absolutely refuse to have full and open hearings on this very major change in American history.

One day, the say. Fraudulent. Cover-up. Misrepresentation. Not many of us could understand a massive change in medical reform in 1 day.

Clearly, I would simply ask the question to my colleagues, and certainly I enjoyed the opportunity to work with

them and come to this podium with no beggage, I would simply as the question: How do you manage to reform with $270 billion in cuts of a program that is in need of reform and in need of a major health reform in conjunction with the reform of Medicare?

The question simply becomes, How do you respond to the citizens in all 50 States in this Nation? The citizens in Florida that will be paid over $5,000 extra under the reform plan by the Republicans in the next 7 years, or the citizens in Louisiana for $4,000, or the citizens in Texas for $3,000?

Mr. HAYWORTH. Would the gentlewoman yield?

Ms. JACKSON-LEE. I would be happy to yield in a moment, just for a moment. Or, in fact, the citizens in California for $4,783? Or in Washington State for $2,246?

You simply do not have the facts, and the Democrats have been representing to the Republicans, our colleagues, that we stand ready to debate this issue truthfully and factually over a period where hearings can bring people from their distributes, I hope, from our districts, medical professionals, senior citizens, long-term care givers and actually discuss the real crux of the issue.

Just for a moment, let me frame the question for you. All of us can agree that we can fix Medicare on many planes and many platforms, but one that we can unanimously agree on is that we can save $61 million if we take away fraud, abuse and waste.

When I go to the 18th district of Texas, no one disagrees that they are prepared to work against and to inform and to improve Medicare from that perspective. But they do tell me, and the speakers that were here earlier indicated and did not give an answer, that they had seniors in their district that were making choices between prescriptions and food. I do too.

□ 2340

And those seniors will continue to have to make those choices or in fact have absolutely no health care under this plan by the Republicans.

Let me also mention a point that is extremely important. This whole masquerade about choices, which I think would be relevant to 4 weeks of hearings, because we could understand what the choices actually mean. But in fact, we know in the private sector that the sickest of the population are not insured.

In the present health care system that we have now in America, we do not have provisions for preexisting disease; we do not have portability, because we do not have national health reform. So how would that occur for senior citizens? Would there be the option for those who are sickest to have an opportunity to be in a solid program, or would you find a pool of the sickest senior citizens left by the wayside by the empty well not being able to drink the water?

I would simply raise the point that in this Nation we have now the most healthy population of senior citizens. Thirty years ago in 1965, not one Republican voted for Medicare. In fact, they argued vigorously against it. But 30 years into the history of Medicare, now 1995, we can brag on the fact that our senior citizens are healthier and they are living longer. Shame upon us, that we come now 5 years before the 21st century and what we will say to those entering the 21st century is not for the future, but that we will return to those very damaged days when those who were in need of health care were lost in the wilderness of health care in this Nation, and were lost and never found on their dying beds because they were not able to receive the coverage necessary.

I will yield to the gentleman for just a moment, for I have a long litany of things that I would like to proceed with, and I hope I can engage him in a discussion, and maybe he would give me an answer that we would in fact do well for the American public if we join together on 4 weeks at least, minimally, to have hearings to be able to have his position explained, not to each other, but to the American people, and to make the right choice and go in the right direction in the 21st century and to be able to be proud about the health care that we provide for our senior citizens.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. I thank the gentlewoman for yielding the time so graciously. Certainly the gentlewoman raises many questions tonight and I thank her for raising them.

First and foremost, I think it is important for us to understand as the gentlewoman has been doing in our district in Texas, as I have been doing in Arizona; in effect we have been holding our own hearings. But she raises a point that I think is of some interest. Of far more interest to me tonight is the chart purporting to talk about increase of out-of-pocket expenses. Could we explain the formula, the methodology, or the rationale that leads us to make this claim that the prices would rise so drastically. Because I can tell you it is certainly not my intent, nor did we come to the Congress with the notion of trying to bankrupt our seniors. Quite the contrary, we want to save this program.

So I am just curious where these numbers come from, how they were arrived at, how we arrived at these numbers.

Ms. JACKSON-LEE. Mr. Speaker, I would be happy to share with the gentleman that this is a basic analysis that takes into account the proposed $270 billion which results in a $245 billion cut in Medicare. But let me expand on that point so the gentleman can understand.

The gentleman uses the term bankrupt, and I think that is an important term, because the recent, the earlier discussion used that word frequently. In fact, we find that the Republicans rely so openly on the trustee report, and interestingly enough, that report was given last year with deafening silence in 1994.

But if I might refer to a chart that I have reviewed that shows in 1970, which I believe was under a Republican administration, there was only a 2-year life in the Medicare trust fund, if you will. Periodically over the years, since 1970 and 1995, we have seen it go up to 14 years and have seen it come down lower. In fact, the trustee report indicated this year that it would be a 7-year life and they in fact thought that that was a positive, because it gave the Congress a larger span of time to respond to some of the very issues my colleague has raised.

We agree that we need to fix Medicare. But today, 1995, rather than frightening seniors, if we all are to try to get forthright to bankruptcy, that is inaccurate. Bankruptcy is pending, or impending, it is tomorrow, it is next week, it means we have to file. There is a 7-year life on the Medicare trust fund of which we are responsible for trying to make sure there is a greater life. But we are better off today in 1995 than we were in 1970. These numbers are basically an analysis of how the breakdown in the premiums in the different States presently are and what would be reflected by a $270 billion tax cut that the Republicans want to offer that would be taken out of Medicare.

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

Ms. JACKSON-LEE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank the gentlewoman for yielding to me for a moment.

I think the gentlewoman raises a compelling point, and it is this: If the trustees' report tells us that we have a 7-year window, then are we not compelled to act? In other words, is it not prudent, because both of us come from an environment where we were successful professionals in other endeavors; we are not professional politicians, we came here to serve our districts and we have differing philosophies. But is it not prudent to move now to solve the problem rather than taking our chances 2, 3, 4, 5 years down the road and simply hoping that we can correct it ourselves?

In other words, we went back to 1970 when of course this Chamber was controlled by her party, regardless of who sat in the White House. We went back to 1994, more recently, when this Chamber again was controlled by a different party and nobody moved to solve

the problem. In other words, is it prudent to wait this out?

Ms. JACKSON-LEE. May I respectfully and vigorously disagree with the gentleman?

Mr. HAYWORTH. Certainly.

Ms. JACKSON-LEE. And the reason why I would do that is because, quite the contrary, in terms of your analysis, in 1970, under a Republican president. There were 2 years where there was a Democratic Congress. And over the years the Democratic Congress has maintained the viability of this Medicare program, both A and B. We recognize that we must fix this. That is something that I hope all of us embrace.

When I go into my inner city district and I have a town hall meeting or I send out massive information that comes back to me threefold where citizens of different walks of life are indicating, please help us save Medicare, they are recognizing that over the period of time that we were, as you will, in the majority, the Democrats worked to save this program. And there is no doubt that we should not wait 7 years out to in fact try to reform Medicare.

Let me add that reforming Medicare should be in conjunction with reforming this national health program that we have. And the issue is that over the 25 years the Democrats have been able to infuse support and energy into this Medicare system which has allowed it now to serve senior citizens for over 30 years, they have never been healthier, because Medicare provides partly a maintenance program. And so 30 years we have maintained it.

Now is the time to come to the table. But what has happened is, precipitously, we have a plan that has yet not seen the light of day. The gentleman may have copies of it. It may be easing out now, and it may be in full force tomorrow. But the hearing was delayed and we are only having 1 day, and I do not think that we can disagree on the reasonableness, not of waiting 7 years, but at least 4 weeks of hearings to deliberate on the best way to ensure that collectively we have a system that does not burden the American citizens and their children.

Might I add, and I happen to have seen and enjoyed meeting, I believe, your grandfather. And I am not pretending to speak for him or to suggest what his thoughts are. But I know the relationship that you have obviously with senior citizens. The question has to be, if we are both in agreement and in tandem on the idea that Medicare must be reformed, then I cannot see why Republicans are rebutting and refusing to open it up to the American public for 4 weeks of hearings in order to make a decided difference.

Mr. HAYWORTH. If the gentlewoman would yield, and again, I certainly respect, and I think the American public, Mr. Speaker, joining us tonight hear a constructive debate, albeit different, and dare we say in some ways partisan. But that is the nature of what goes on here.

I think it is very important to respond to several of the points that were raised. When we talk about improving a program, I think the philosophy could not be clearer in what I am hearing from the gentlewoman from Texas. Is it not more important to offer choices to Americans regardless of their age than to say, here is a one-size-fits-all program, basically 1964 Blue Cross Blue Shield codified into law in 1965. Is there not a way to expand choices and improve the program while maintaining for those seniors who want to remain on this program, Medicare as we know it, maintaining that program?

□ 2350

Mr. HAYWORTH. You and I disagree and indeed, I will graciously give the time.

Ms. JACKSON-LEE. Let me reclaim my time, and I thank the gentleman for engaging in this discussion, and let me answer, and I am going to reclaim my time because the hour is fast closing.

I have been in this process before and I respect the gentleman for acknowledging that we all come from different backgrounds and have had different experiences, and as a member of the city council of the city of Houston, we have had to now, over the years, look very seriously about new health packages as the costs have gone up in the private sector. What we find happening and what I heard most of all in my district and from my seniors of all various economic backgrounds is that they like the choice that they have now, which is the choice and opportunity to go to those physicians that they have developed a comfort level with and those hospitals that they have developed a comfort level with, and I would beg to differ with the gentleman.

Reclaiming my time, what will happen is that the choices that the gentleman is talking about is the choice to be placed and forced into managed care and thereby forbidding and prohibiting seniors from those long-standing relationships, and what ultimately happens is that as the numbers begin to rise, then the choices become limited and the managed care becomes the only source and choice for these seniors.

Again, I go back to the concern that I have raised with many of my colleagues because I come from a district that has a very strong public hospital system and what I say is that the burden will fall on the sickest of our seniors, those needing long-term care and otherwise who cannot participate in a managed care because they are not viable and will not be selected. It is a mutual selection process and a cross-pollenization.

I would say to the gentleman that he raises some valid points. I vigorously disagree, but what would be more productive is that we have this openly discussed through those service providers, those seniors coming to the U.S. Congress. It does not do us as policymakers well for us to rely upon, as they say in the court of law, hearsay. It is important. Yours is hearsay, what you have heard in your district, and maybe what I am saying I am saying to you something that I heard in my district, we both know it is fact, but technically it is hearsay. The seniors are not here to tell either one of us.

So it is important then that if we are serious about reforming Medicare, which took some, I would say, some 65 years into the 20th century to be formulated, now when we try to reform it in such a major way, do we not owe the American public and owe this issue four weeks for hearings to decide it in the most effective and the best way? I cannot agree that cutting $270 billion for a tax cut that the Republicans are offering would in any way assist us in reform.

Mr. HAYWORTH. Would the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, a couple of points need to be made and let me clear it up without having hearings. A misconception seemed to be put forth here a second ago. I am certainly not suggesting, nor do I think anyone in this new majority is suggesting that seniors be compelled to leave the doctors under whose care they find themselves now to somehow sacrifice that physician-patient relationship. Nothing could be further from our intent.

Moreover, with reference to $270 billion and somehow a tax cut for the rich, the gentlewoman from Texas certainly realizes that the Budget Committee, under the stewardship of the gentleman from Ohio [Mr. KASICH], worked very hard to make sure that those tax cuts were fully provided for in the budget plan and the road map and the glide path to a 7-year balanced budget. Moreover, even if the budget were balanced today, we would still have this threat of the Medicare Trust Fund.

Ms. JACKSON-LEE. Reclaiming my time, and I thank the gentleman for his insight on this, but let me respectfully share with the American people that the $270 billion tax cut has always been associated with the money that was going to be cut out of Medicare, plain and simple. Let me say to you that even those Republicans who no longer serve in government, Arthur Fleming, the health secretary, Health and Human Services Secretary under President Eisenhower, still going strong, has indicted the Republican Party and said he cannot believe that

you would offer these proposals without allowing the American people, seniors in particular, to participate.

Mr. Speaker, what we are facing, and what I hope that we will engender, are calls from across this land, all of the States that are impacted by these draconian cuts. I hope that you all will get calls, and likewise in my office, demanding, if nothing else, a reasoned debate among the American people on this issue.

Might I say that we all will have to live with these cuts no matter what party we are in. We will have to live with them not so much because the Democrats were involved in cutting. That is not our posture. Our posture is to lay down before the bulldozer, but because our constituents will be harmed and hurt and it is probably going to be irreparable injury, and in a court of law, there are grand damages for that.

I would simply say to the gentleman what we will be facing in this Congress, without having proposed a national health reform program, we will not jointly be able to go to the American people and say that we in good conscience cut this for them 7 years, over $4,000 in some instances, people having to make the choices between food and prescription drugs, and in joint support of that, the cuts in Medicaid, $182 billion, and those indigent seniors who cannot get long-term care.

Mr. Speaker, I am reclaiming my time and I thank the gentleman for his interest, but the key is that those who are in long-term care needing Medicaid will likewise not have the right and not have the ability to have health care.

Let me just say one other point as we move toward closure. Can the gentleman not, or my colleagues that I have just heard my fellow freshmen that are Republicans, can they not deny that the population, the aging population is getting stronger, is living longer, and in fact, if you would analyze the trust fund and find out the real reason why there is a life span that is shortened each year is because people are living longer? We should be applauding that. We should be very, very enthusiastic that the gentleman from Arizona has a grandfather and many of us have our parents, my parents, alive and well because of Medicare.

Thirty years of Medicare, the healthiest population of Americans, and yet we are forced in this majority Congress of Republicans to stand up and tell the American senior citizens and those citizens who have to support senior citizens that we are going to cut them off at the knees and tell them that what is more important is the partisan debate, you are right, between Republicans and Democrats, rather than a reasoned set of hearings that would allow us to put forth programs to eliminate waste, fraud and abuse, to be able to work with the physician population, the hospital population, both private and public sector, the prescription or pharmaceutical industry and begin to analyze for real what we are doing or what we need to do to improve the delivery of services at a more efficient price, and not leave, and not leave that broken and bent body on the road we travel, unhealthy senior, left alone on the roadside seeking a simple drink of water. What are we going to give them?

Mr. HAYWORTH. Will the gentlewoman yield?

Ms. JACKSON-LEE. I think my time is up and I am going to continue to reclaim it because I think this is an important point I want to make.

The sickest of our seniors, the sickest of our seniors will be left without care, without attention, and as the gentleman is willing to debate me now, when I ask him or can I ask him, as he goes and leaves the floor and dialogues with his colleagues tomorrow the simple question, would it not be better for America if we had these hearings to present your presentation, to allow the debate on what I am offering to say, but most of all, to listen to the multitude of those who will be most impacted by these draconian cuts?

Mr. HAYWORTH. The gentlewoman asked a question. Would she yield for an answer?

Ms. JACKSON-LEE. I will yield for just a moment because I want to conclude.

Mr. HAYWORTH. Simple point. If the gentlewoman can explain to me how an increase over seven years in benefits per beneficiary of $2,000 can be a cut, going from $4,800 this year to $6,700 in 2002, where is the mathematical rationale to show me that that is the draconian cut that the gentlewoman has talked about so often this evening?

Ms. JACKSON-LEE. I would be happy to show you what the draconian cut results in because it is very clear, and the reason why it is very clear is because it is evident that you are dealing with provisions A and B, and obviously that masquerading of those particular sections are where the Republicans are suggesting to the American people that they are benefiting the beneficiaries.

These numbers clearly suggest that those citizens will be engaged in higher premiums, clearly will be paying higher premiums because of the large cuts that the Republicans are proposing. Where are the hearings? Where are the voices of the senior citizens? Let us resolve this on behalf of those citizens to make a whole colloquy for all Americans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. VENTO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, today and on September 21.

Mr. HORN, for 5 minutes, on September 21.

Mr. SALMON, for 5 minutes, on September 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. BERMAN in two instances.

Mr. COYNE.

Mr. OWENS.

Mrs. SCHROEDER.

Mr. FOGLIETTA.

Mr. KLECZKA.

Ms. ROYBAL-ALLARD.

Mr. COLEMAN.

Mr. HAMILTON.

Mr. MONTGOMERY.

Mr. BONIOR in two instances.

Mr. STARK.

Mr. PETE GEREN of Texas.

Mr. CONYERS.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. QUINN.

Mr. PACKARD

Mrs. MEYERS of Kansas.

Mr. ZELIFF in two instances.

Mr. HORN in two instances.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. LUTHER.

Mr. WAXMAN.

Ms. JACKSON-LEE.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the

following title, which was thereupon signed by the Speaker:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until tomorrow, Thursday, September 21, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1449. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the 502d Air Base Wing at Maxwell Air Force Base, AL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1450. A letter from the Secretary, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Thailand (Transmittal No. DTC-45-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1451. A letter from the U.S. Agency for International Development, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the furnishing of defense articles and services to Rwanda, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY; Committee on Commerce. H.R. 1020. A bill to amend the Nuclear Waste Policy Act of 1982; with an amendment (Rept. 10-4-254, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1020. The Committee on Transportation and Infrastructure discharged.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1020. Referral to the Committees on Resources and the Budget extended for a period ending not later than October 20, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE (for himself, Mr. STUMP, Mr. BRYANT of Tennessee, Mr. HAYWORTH, Mr. BOEHNER, Mr. DORNAN, Mr. BARTLETT of Maryland, Mr. SKEEN, Mr. EMERSON, Mr. UNDERWOOD, and Mr. SHADEGG):

H.R. 2367. A bill to amend the Clean Air Act to further protect and enhance the public interest by ensuring an orderly transition from chlorofluorocarbons [CFC's] and halons to substitute compounds, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 2368. A bill to establish audit authority in the U.S. General Accounting Office over the Niagara Falls Bridge Commission; to the Committee on Transportation and Infrastructure.

By Mr. UNDERWOOD (for himself and Mr. FALEOMAVAEGA):

H.R. 2369. A bill to provide for the development of the fishery resource within the exclusive economic zone of the insular areas of the United States, and for other purposes; to the Committee on Resources.

By Mr. STOCKMAN:

H.J. Res. 107. Joint resolution proposing an amendment to the Constitution of the United States regarding congressional pay and pensions; to the Committee on the Judiciary.

By Mr. PORTER (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. HYDE, and Mr. HOYER):

H. Con. Res. 102. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. BASS.

H.R. 89: Mr. NEUMANN.

H.R. 156: Mr. FRAZER, Mr. BLUTE, and Mr. STEARNS.

H.R. 325: Mr. HOYER.

H.R. 528: Mr. TAYLOR of North Carolina, Mr. DIAZ-BALART, Mr. STOCKMAN, Mr. HALL of Ohio, Mr. WOLF, Mr. BALLENGER, and Mr. HALL of Texas.

H.R. 580: Mr. JONES.

H.R. 598: Mr. HEFNER, Mr. LOBIONDO, Mr. MINGE, Mr. REED, Mr. MCCOLLUM, and Mr. QUINN.

H.R. 764: Miss COLLINS of Michigan.

H.R. 789: Ms. KAPTUR.

H.R. 833: Mrs. MEYERS of Kansas.

H.R. 885: Mr. ACKERMAN, Mr. MANTON, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mrs. MALONEY, Mr. ENGEL, Mrs. KELLY, Mr. MCNULTY, Mr. MCHUGH, Mr. WALSH, Mr. HINCHEY, Mr. MCINTOSH, and Mr. LAFALCE.

H.R. 924: Mr. KILDEE.

H.R. 1020: Mr. WAMP, Mr. HOKE, Mr. BATEMAN, and Mr. HASTINGS of Washington.

H.R. 1023: Mr. MCHUGH and Ms. MOLINARI.

H.R. 1133: Ms. DANNER, Mr. SOUDER, and Mr. HANCOCK.

H.R. 1136: Mr. ACKERMAN, Mr. MILLER of California, Mr. HORN, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. MCKEON, Mr. OWENS, and Mr. ROMERO-BARCELO.

H.R. 1202: Mr. COBLE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1386: Mr. NEY, Mr. MORAN, and Mr. COX.

H.R. 1400: Mr. SANDERS.

H.R. 1488: Mr. STUMP, Mr. HAMILTON, Mr. HEFLEY, Mr. DOOLITTLE, Mr. HAYES, Mr. BOUCHER, Mr. HUTCHINSON, Mr. NEUMANN, Mr. SPENCE, and Mr. LAUGHLIN

H.R. 1591: Mr. LANTOS.

H.R. 1662: Mr. BEREUTER, Mr. SKEEN, Mr. HEFNER, Mr. JOHNSON of Florida, Mr. BISHOP, and Mr. NUSSLE.

H.R. 1753: Mr. PICKETT, Mr. PALLONE, Mr. BREWSTER, Ms. DELAURO, Mr. DICKEY, Ms. ESHOO, Mr. FARR, Mr. FAZIO of California, Ms. FURSE, Mrs. LINCOLN, Mr. MCKEON, Mr. POMBO, Ms. VELAZQUEZ, Mr. BAKER of California, Mr. FRELINGHUYSEN, Mr. HOEKSTRA, Mrs. KENNELLY, and Mr. RAHALL.

H.R. 1766: Mr. ZELIFF, Ms. MCKINNEY, Mr. HUTCHINSON, and Mr. PORTMAN.

H.R. 1801: Mr. HASTERT.

H.R. 1818: Mr. HANSEN and Mr. PARKER.

H.R. 1821: Mr. METCALF and Mr. LIVINGSTON.

H.R. 1893: Mrs. KELLY, Mr. KINGSTON, Mr. RANGEL, Mr. NEY, Mr. JACOBS, and Mr. DAVIS.

H.R. 1916: Mr. BARTON of Texas, Mr. BEILENSON, Mr. DORNAN, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. MANZULLO, Mrs. MEYERS of Kansas, Ms. PRYCE, Mr. QUILLEN, Mr. SERRANO, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, and Ms. RIVERS.

H.R. 1956: Mr. CALLAHAN, Mrs. FOWLER, Mr. PICKETT, Mr. METCALF, and Mr. GILLMOR.

H.R. 1960: Mr. BURTON of Indiana, Mr. HOSTETTLER, and Ms. MOLINARI.

H.R. 1970: Mr. HASTINGS of Florida and Mr. ACKERMAN.

H.R. 1974: Mr. FRANKS of New Jersey.

H.R. 2019: Ms. DELAURO, Mr. FOGLIETTA, and Mr. PAYNE of Virginia.

H.R. 2072: Mr. INGLIS of South Carolina, Mrs. ROUKEMA, Mrs. CHENOWETH, and Mr. HERGER.

H.R. 2090: Mr. WELDON of Pennsylvania.

H.R. 2144: Mr. ALLARD, Mr. CAMP, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mr. ROEMER.

H.R. 2172: Mr. LIGHTFOOT.

H.R. 2179: Mr. KOLBE.

H.R. 2199: Mr. STEARNS.

H.R. 2205: Mr. LATHAM, Mrs. MINK of Hawaii, Mr. STUPAK, Mr. EVANS, Mr. ORTIZ, and Mr. RIGGS.

H.R. 2270: Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. SMITH of Texas, Mr. STUMP, MR. HERGER, Mr. BAKER of California, and Mr. BARTLETT of Maryland.

H.R. 2277: Mr. MILLER of Florida and Mr. ROHRABACHER.

H.R. 2289: Mr. FLANAGAN, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. WELLER, and Mr. CLEMENT.

H.R. 2341: Mr. STEARNS, Mr. BOEHNER, Mr. DREIER, Mr. JACOBS, Mr. LIVINGSTON, and Mr. KOLBE.

H.R. 2364: Mrs. CHENOWETH.

H. Con. Res. 54: Mr. FRANKS of Connecticut.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 927

OFFERED BY: MR. WYNN

(Pursuant to the rule, page and line numbers are to H.R. 2347)

AMENDMENT NO. 4: Page 22, strike lines 4 through 20 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

H.R. 927

OFFERED BY: MR. WYNN

(Pursuant to the rule, page and line numbers are to H.R. 2347)

AMENDMENT NO. 5: Page 22, strike line 4 and all that follows through page 23, line 7 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Page 23, line 8, strike "(c)" and insert "(b)".

H.R. 2274

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 29: Page 97, after line 12, add the following:

SEC. 354. PROHIBITION ON PAYMENT OF SAFETY AND PERFORMANCE BONUSES.

Amounts in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986, and non-Federal funds required by law as a condition for the receipt of such amounts, may not be expended for the payment of a safety or performance bonus to a contractor.

Conform the table of contents of the bill accordingly.

EXTENSIONS OF REMARKS

BANKING REFORM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. GALLEGLY. Mr. Speaker, what seemed to start out as a very promising year for important banking reform legislation seems to have once again come to a disappointing halt because of the ongoing dispute between banks and insurance agents.

Pending before the Rules Committee are two banking bills which would offer the Congress a historical opportunity to modernize our financial services system and make significant reductions in paperwork and compliance burdens for our banks.

It is clear that despite their current strength in the U.S. market, our banking system continues to face the threat of lost market share, especially in the international arena due to out-of-date, restrictive laws and unnecessarily burdensome regulations. Modernizing our banking system will help it keep pace with the rapidly changing, technology driven market and will offer new benefits to the banking consumer.

REGULATORY RELIEF

H.R. 1858, the Financial Institutions Regulatory Relief Act, contains over 80 provisions of regulatory relief for the banking industry. Regulating the commercial banking industry is complex and extremely broad in scope. However, while many of the current regulations seem to be appropriate on their face, they are often duplicative, sometimes contradictory, and impose unnecessary costs on our banking system. These costs are often paid by the consumer in the form of high fees and lower interest on accounts.

As a cosponsor of the original bill, H.R. 1362, I believe the changes made by the Banking Committee to areas such as RESPA, small bank exams, environmental liability, and CRA are sensible and will help make our lending institutions more efficient.

GLASS-STEAGALL REFORM

Created more than 50 years ago, the Glass-Steagall Act was enacted to separate, in part, the commercial and investment banking functions of our financial institutions. In today's technologically advanced and integrated financial markets, this act has outlived its usefulness and now serves as a barrier to healthy competition and efficient market operation.

H.R. 1062, the Glass-Steagall reform bill will create a more flexible financial services structure by stripping away old prohibitions which are no longer practical and will permit banks and securities firms to affiliate with each other. Glass-Steagall reform will create economic opportunity and growth by giving banks improved access to capital and financing and through the imposition of workable firewalls, without risk to the consumer or to federally insured deposits.

Mr. Speaker, both bills are extremely important to the future of our banking and financial services industry as well as to consumers. I urge the Rules Committee to allow both regulatory burden relief legislation and Glass-Steagall reform to come to the floor separately and clean of any provisions that threaten their passage. However, the House should be allowed an unrestricted opportunity to engage in an insurance debate which would take place in the context of expanding business-related activities for the banks.

TRIBUTE TO BISHOP MAXIMOS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to one of my constituents—a man who is one of the most respected religious leaders in southwestern Pennsylvania. His name is Bishop Maximos, and he is the head of the Greek Orthodox diocese of Pittsburgh.

On September 28, the communicants of the Greek Orthodox diocese of Pittsburgh will honor their spiritual leader, Bishop Maximos, for his 16 years of service to the diocese. A banquet, which will also celebrate 16 years of diocesan life, is scheduled to be held at St. Nicholas Greek Orthodox Cathedral, Oakland. The Pittsburgh diocese consists of 50 parishes in Pennsylvania, Ohio, and West Virginia.

Through his ecumenical efforts, Bishop Maximos has been able to forge strong ties between his denomination and that of the other major Christian denominations in southwestern Pennsylvania. One of his fellow bishops of the Christian associates of southwestern Pennsylvania, which includes bishops of the Roman Catholic, Episcopal, and Methodist churches, remarked that Bishop Maximos is loved and respected among his peers and many consider him to be one of the finest Christian theologians in the United States.

Bishop Maximos, was born on the Island of Chios, Greece, on March 5, 1935. His Grace graduated from the Orthodox Theological School of Halki of the ecumenical patriarchate of Constantinople, in what is now modern day Istanbul, Turkey. His Grace received graduate degrees from the Catholic University of Louvain, Belgium. He represented the ecumenical patriarchate as observer-delegate to the third and fourth sessions of Vatican Council II.

Arriving in the United States on December 18, 1966, His Grace was appointed professor of dogmatic theology at the Holy Cross School of Theology in Brookline, MA, where he served for 14 consecutive years. On November 5, 1978, he was elected third vice president of the National Council of Churches of Christ in the United States. He served in that capacity for a triennium.

On April 27, 1979, in St. Nicholas Cathedral, he was enthroned as the first bishop of the Pittsburgh diocese by His Eminence Archbishop Iakovos. Since that time, Bishop Maximos has served the communicants of the diocese with wisdom and dedication, and he has made many valuable contributions to the community of faith in the region. I want to extend my congratulations and thanks to Bishop Maximos and the diocese of Pittsburgh on this happy occasion.

SALUTE TO COUNCILMAN ALVIN B. STEWART OF PHILADELPHIA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Councilman Alvin B. Stewart of Philadelphia for his outstanding contributions to the city of Philadelphia.

Councilman Alvin B. Stewart is being honored by his friends and family on October 6, 1995 as a tribute to his many years of service to the Philadelphia community. Councilman Stewart has served the eighth District of Philadelphia with honor, dignity and commitment, offering new and innovative ideas to the community. He has proudly served the Philadelphia civic community in many capacities including supervisor of the Board of Revision of Taxes, ward leader for the 11th Ward, former vice chairman of the United Black Ward Leaders and as a retired Philadelphia police officer.

Councilman Stewart has established many worthwhile programs in Philadelphia including a revitalization program in the Nicetown/Tioga area. The North Central Community Development Corp., founded by Councilman Stewart has planned to furnish the community with retail stores, affordable housing, a community center, job training, a satellite college, supermarket, bank, a facility for older Americans, and a full-service hospital.

I am proud of Councilman Alvin B. Stewart's many civic achievements, and I hope that my colleagues will join with me today in wishing him the very best in his continued service as councilman of the eighth District of Philadelphia.

STUDENTS IN MICHIGAN NEED SCHOOL-TO-WORK AND JOB TRAINING OPPORTUNITIES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. BONIOR. Mr. Speaker, the last thing we should be doing is eliminating economic opportunities for our young people. Yet, that's

exactly what the Gingrich majority is attempting to do. The Consolidated and Reformed Education, Employment, and Rehabilitation Systems [CAREERS] Act, H.R. 1617, under the guise of reform, repeals the School-to-Work Opportunities Act of 1994, most of the Job Training Partnership Act, and the Carl D. Perkins Vocational and Applied Technology Act, among others.

In addition, the CAREERS Act cuts funding for youth career development by 20 percent. The 70 percent of students in Macomb and St. Clair counties who don't go to college need the advanced technical training that will be threatened by this bill. Our students' earnings in the future will be based on what they learn today. We should be increasing the opportunities they will have in the future, not cutting the very educational tools that help them get ahead.

School-to-work and job-training programs are vital for preparing those who don't go to college for the highly skilled, good paying, technical jobs of the future. I believe the best investment this country can make is in the education and training of our next generation. We must be thoughtful in our approach, consolidate where needed and cut wasteful programs that don't work, but we must also ensure that we are providing our young people with the opportunity to earn and learn for the future. I don't believe the approach taken by this CAREERS Act guarantees those opportunities.

I believe we do need to reform, improve, and demand better performance from our employment training programs. The local school boards, elected officials, and business leaders must have the input to produce effective job-training programs, yet we all have a role to play. We ought to be building on the strong local, State, and Federal partnerships that we've established over the years to help our students, not destroying them.

While we need to fix education, employment, and job-training programs that don't work, we should not eliminate the ones that do. The blanket approach that starts from scratch and gives our Governors final authority over all school-to-work and job-training programs established by this bill is a serious error which will turn back the clock. For these reasons and others, I oppose this block grant approach.

RELIGION AND GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 20, 1995 into the CONGRESSIONAL RECORD.

RELIGION AND GOVERNMENT

For most Hoosiers I meet with, religion is very important. Religion helps form the values and character critical for strong families and communities, and faith has played an important role in the history of our nation. Today, more Americans believe in God and attend religious services than any other industrialized nation. Yet many Hoosiers worry that our political culture does not take religion seriously. This is a legitimate concern.

The First Amendment to the Constitution guarantees the free exercise of religion. To do so, it prohibits Congress from establishment of religion. At some periods in our history the concern was that religion had too much influence over public policy, but today the concern is that we do not permit enough religious influence in public policy. I think we should take religion seriously, and do not agree with those who trivialize matters of faith. I agree with Hoosiers who want to seek guidance from religion on moral decisions—including decisions about politics and government. As the son and brother of ministers, faith has always been important to me and my family, and there is no question my faith has a strong influence on my actions as an individual and as a public official.

There is a great deal of misunderstanding over the proper role of religion in government, and government in religion. Most agree that the government should not be in charge of any religious activity—in churches, public schools, or elsewhere. Most also agree that government officials should not tell us how to pray, what to pray, or when to pray. At the same time, an individual's right to practice his or her religion should be sacrosanct.

Our founding fathers were deeply suspicious of too much government involvement in religion. Over the years the Supreme Court has made clear that neither states nor the federal government can set up a church, pass laws to fund religion, or favor one religion over another. Unfortunately there are still gray areas in the law that need to be resolved—particularly regarding religion and public schools. Uncertainty over what the Constitution permits has led many schools to suppress religious activity and has prompted hundreds of lawsuits that could have been avoided. This newsletter is simply an effort to identify what is permissible under current law and what is not, and what areas need clarification.

The First Amendment imposes two equally important obligations on public schools. First, schools may not forbid students from expressing their personal religious views solely because they are religious in nature. For example, the 1984 Equal Access Act, which I cosponsored, requires schools to give the same access to student religious groups as other extracurricular student clubs. The Court recently upheld the constitutionality of this law. Second, schools may not endorse a particular religious activity or doctrine, nor may they coerce participation in religious activity. For example, school officials may not tell students what to pray in class.

Many people believe the law requires schools to be religion-free zones. I do not think that is an accurate view; there are many acts of religious faith in school that are both appropriate and constitutional.

PERMITTED ACTIVITY

According to recent Justice Department guidelines, students today in public schools have the right to pray and study religion individually, to discuss religion with other students, to read the Bible or other religious texts, to say grace before meals, to be taught about the importance and influence of religion, to meet in religious clubs before and after class hours, to express their religious beliefs in classwork, and to wear clothing or jewelry bearing religious messages or symbols.

PROHIBITED ACTIVITY

These actions are not allowed: religious services organized by school officials, religious harassment, teaching students to practice a particular religion, teaching or officially encouraging religious or anti-religious activity, and denying school rooms to religious groups if they are provided to other private groups.

Often actions to suppress legitimate activity are a result of school administrators who are simply not clear about complex court decisions and who fear litigation. There are isolated examples where students were told they could not say grace before lunch, or carry a Bible in class. The school was wrong in these cases. While I understand the difficulties confronting administrators in understanding the law, the suppression of religious expression is just as much a violation of the First Amendment as imposing a religion on students.

Of course, there are issues that still need clarification. For example, does a graduation prayer by a student amount to state-sponsored action? Courts have issued contradictory opinions on this issue, and the implementation varies from region to region. Ultimately, this issue should be resolved by the Supreme Court or Congress. In the meantime, many students have organized independent prayer services before or after graduation.

Some Members of Congress have suggested amending the Constitution to clarify some of these gray areas. Others believe Congress should act by statute, as it has in the past. Congress has previously considered provisions to protect moments of silent prayer and to allow students to engage in voluntary vocal prayer during noninstructional periods. Yet these issues have not been resolved, and further clarifications are necessary.

I am encouraged by the new dialogue on religion and public education. We are certainly getting a better understanding of what can and cannot be done. There is absolutely no reason to think that religious expression has to be left behind at the schoolhouse door. With the help of clergy, parents, teachers, and students, Congress should continue to clarify current law to avoid misunderstanding.

It is important to recognize that our founding fathers knew that religion gave our people the character and virtue without which a democracy cannot survive. They also recognized that, in a free country, government must not be permitted to coerce the conscience of any person. Our challenge is to maintain religion's protection from heavy-handed state interference while preserving the environment that has made the United States the most religious nation in the world.

TRIBUTE TO MSGR. DAVID A. GERNATT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. QUINN. Mr. Speaker, I rise today in recognition of Msgr. David A. Gernatt, better known simply as Father Dave. Father Dave is retiring this year after nearly 50 years as a Catholic priest and over 25 years as the first and only pastor of St. Catherine of Siena Roman Catholic Church in West Seneca, NY.

Father Dave was the 6th of 10 children born to John and Martha Gernatt, immigrants from Austria and Germany. It was while growing up on the farm in Collins that Father Dave first learned his committed work ethic and deep devotion to his religion.

Father Dave entered the Josephinum Pontifical College of Worthington, OH at the age of 14. He spent 12 years there, studying through his high school years, his college years and 4 years of graduate courses in theology. Father Dave never received a high school or college diploma because his goal was not to graduate, but to become a priest.

Father Dave served at five parishes throughout western New York before returning to the Josephinum in 1966 to serve as spiritual director. At this time, Father Dave was invested as a monsignor. His time back at the college was short lived because in 1967 he resigned in order to become a paster; however, it did teach him valuable lessons about the new things going on in the church after the Second Vatican Council.

On October 22, 1967, Bishop James McNulty of Buffalo assigned Father Dave with forming the new Parish of St. Catherine of Siena. Church services were first held in the West Seneca Town Hall while the new church building was built on the former farm at 4928 Seneca Street. The ground breaking ceremony took place in October of 1967. The first mass was said there on June 1, 1970.

Father Dave had a vision of developing a family-like community. He believed that there were no distinctions between priests and lay people and both should work together. Father Dave always believed in his parishioners and worked to encourage involvement of everyone in the parish. Father Dave knew and believed that everyone has different gifts to offer and the entire community could only benefit from everyone offering their gifts.

This parish and Father Dave holds such a special place in many peoples' hearts. A small example of this is the fact that the membership of this community out stretches my Congressional District. The benefits of this small community that gathers throughout the week in West Seneca have literally been felt throughout the world.

Father Dave will always be a part of St. Catherine's. His vow of no bingo will long echo through St. Catherine's. Father Dave's belief that mass is no place to talk about money will continue to be carried on through the tradition of not passing a basket. Father Dave's goals will still continue to be met when night after night the church building is being used, not just Sundays. Father Dave's work will continue to be seen at every gathering at St. Catherine's when there is every age group represented offering its own gift at every meeting and function. The plain, simple structure of St. Catherine's will always be a mirror image of the exterior of Father Dave, just as the inner warmth, compassion, and love of Father Dave will continue to be felt inside St. Catherine's

Mr. Speaker, I am honored to have this opportunity to recognize Father Dave. I wish him a happy and healthy retirement. I also wish the people of the parish he built continue the ways that Father Dave laid down for them. I thank Father Dave for the strong and lasting positive effect he has had on the western New York community.

CONSTITUTION WEEK

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mrs. MEYERS of Kansas. Mr. Speaker, September 17–23 is Constitution Week commemorating the 208th anniversary of the Constitution of the United States. I commend the Daughters of the American Revolution for its efforts to remind all Americans of the importance of the U.S. Constitution.

The success with which Americans secured their liberty through representative government is unparalleled. Our Republic was built upon the foundation of limited government in which a written Constitution preserves individual freedoms and opportunity for all citizens. The ideals upon which this document is based are reinforced each day by the success of the system to which it gave birth. The political system established by our Constitution stresses the need for each citizen to know their rights, freedoms, and duties.

Mr. Speaker, I take this opportunity to thank the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution in my district who have committed a tremendous amount of time and effort in helping all Americans better understand the Constitution.

COMMEMORATING THE 25TH ANNIVERSARY OF MEDGAR EVERS COLLEGE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. OWENS. Mr. Speaker, I rise to salute Medgar Evers College as a beachhead of enlightenment in urban America which offers an institutional point-of-light as a model for all who care about education. Medgar Evers College is a liberal arts college, a community educational resource, and a pivotal cultural center for Central Brooklyn in New York.

Twenty-five years ago, the college, named for the martyred civil rights leader, was established with a clear mandate—to provide access to higher education for the residents of Central Brooklyn.

On September 28, the college will mark its 25th anniversary with a Founder's Day celebration that will include a commemorative ceremony in honor of the founders and a benefit dinner that will raise funds for student scholarships.

In offering outstanding academic programs and a wide range of services designed to meet the needs of the community, Medgar Evers College, a unit of the City University of New York [CUNY], has amply demonstrated that it is fulfilling its noble mission.

The college should be commended for the caliber of its innovative, career-oriented programs and the foresight it has demonstrated in providing needed services to area residents. Typical is the Small Business Development Center, which was created to deliver management assistance to small and minority-owned businesses in Central Brooklyn through courses, counseling, conferences, and seminars.

With great personal pride, I have watched the birth, growth, and mature refinement of Medgar Evers College. As a commissioner of the Community Development Agency under Mayor John Lindsay, I assisted in the selection of the first Community Advisory Committee for the college. Several years later, as a member of the Higher Education Committee of the New York State Senate, I led the fight to retain the status of the youthful Medger Evers College as a senior college. This fight was successful; however, in later negotiations with the chancellor of CUNY, a compromise reduced the institution to a community college with a few senior college programs. Medgar Evers College must be congratulated for waging a long struggle which culminated in its 1994 redesignation by the New York State Legislature as once more a full-fledged senior college.

Special tribute must be paid to the leadership of this fine institution—its distinguished president, Dr. Edison O. Jackson; its capable and concerned administrative staff; and an experienced and dedicated faculty.

At the benefit dinner, the college will present its first Uhuru Awards to Mrs. Myrlie Evers-Williams, chairperson of the board of the NAACP; Mrs. Coretta Scott King, chairperson of the board of the Center for Non-Violence in Atlanta; Dr. Betty Shabazz, the college's director of public affairs and cultural attaché; Dr. Ramona Hoage Edelin, founder and CEO of the National Urban Coalition; and former Congresswoman Shirley Chisholm.

Dr. Jackson assumed the presidency of the college in 1989. These have been exciting years, as evidenced by the fact that during this time, enrollment nearly has tripled; bachelor's degree programs in environmental and computer science have been introduced, as well as an associate degree program in nursing; and a core curriculum has been created to strengthen liberal arts education.

Just as significant is the ongoing effort by the college to internationalize its curriculum and thereby better prepare students to be a part of the global marketplace.

In a recent report in which he articulated his vision for the future, President Jackson spoke of the need to chart the proper course, "to ensure that Medgar Evers College achieves the greatness to which it is destined." He said further:

> [O]ur quest is to become one of the premiere institutions in this city, state and nation . . . our intent is to create an institution that will provide high quality academic programs and student support services in response to the many educational, social and economic contemporary challenges facing the community they serve. This unique role which Medgar Evers College is carving out for itself is adding to the richness and diversity of the City University of New York.

Mr. Speaker, its achievements in its relatively brief but eventful history bodes well for a bright future for Medgar Evers College, and

as it prepares for the 25th anniversary celebration, the college merits our congratulations and sincerest good wishes for continued success. This relatively new but vibrant institution is truly a Point-of-Light for urban communities throughout the Nation.

TRIBUTE TO MARIE WHIPP

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Marie Whipp, a close associate, good friend, and a leader in the California Federation of Teachers for more than 30 years. I worked extensively with Marie during the 1960's and early 1970's, when I was a lawyer for the CFT. I found her to be hard working, diligent, and an excellent advocate for teachers and public education.

Marie's rise throught the ranks of the union began only a few years after she graduated from UCLA in 1957. While she was chair of the girl's physical education department at Palmdale High School, she became a member of Foothills, American Federation of Teachers Local 1424. From there she moved up the ladder; chapter chair, local secretary, local vice president and, in 1967, she was elected president of local 1424. At the time local 1424 had 15 chapters with over 900 members.

In 1970, Marie was elected secretary-treasurer of the CFT. The union could not have had a better person to help steer it through turbulent times. Marie served as secretary-treasurer during the collective bargaining fight for survival of the AFT in California and stabilized CFT finances by establishing good relations with all of the local treasurers, officers and staff of the CFT, the CFT credit union and the financial officers and staff of the AFT. Along with Marie's skill at debt management, these steps enabled the CFT to finance all collective bargaining elections.

During her record 24-year tenure as CFT secretary-treasurer, Marie also created and coordinated the CFT legal defense fund. This is just one more way in which she has made her mark on the CFT.

Mr. Speaker, I ask my colleagues to join me in saluting Marie Whipp, a person who has worked so hard to make a better life for California's schoolteachers. She deserves the respect and admiration of all of us who care about the fate of our public schools.

CUBA LIBERTY ACT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. GALLEGLY. Mr. Speaker, for more than 30 years the United States has imposed a unilateral economic embargo on the people of Cuba. The hope of course was that such international pressure and isolation would bring the dictator, Fidel Castro, to his knees.

Unfortunately, after all this time, Castro still rules the island. What is more unfortunate, however, is that the people of Cuba, most no longer fervent followers of the revolution, are living in a state of political and financial depression.

Nobody denies that Castro is an old tyrant whose time to give up the lost hope of the revolution has come. Cuba is the last country in the hemisphere without democracy, free elections and an open economy. But, the legislation we are considering here today, will not result in any changes in this current situation. It will not bring down Castro any faster than the existing embargo has failed to remove him. In fact, H.R. 927 will result in the perverse effect of further isolating this nation. The attempt in this bill to internationalize the economic embargo by threatening economic sanctions against any other nation which trades with or invests in Cuba is unworkable and will embroil us in heated debates with our allies and friends in this hemisphere and beyond.

This is not to say that we should give up our attempts to rid the island of Castro. But the almost paranoid behavior of many in this Nation with respect to Castro is no longer justified. Cuba is no military threat to the United States. Cuba is no longer a viable model for socialism. It is no longer a model for anything or anybody. So why the fixation.

As the recent report of the Inter-American Dialog Task Force on Cuba stated, "the prospects for change in Cuba are today greater than at any time since 1959. Yet, current United States policy neither encourages change in Cuba nor advances United States national interests."

Not long ago, during the House debate on whether we should renew most-favored-nation trade status with China, Members from both sides of the aisle argued passionately that while China's failure to live up to normal standards of international behavior was reprehensible, it was more important to engage the Chinese through political dialog and economic interaction. Without this face-to-face interaction, China's behavior could not be modified or changed.

Similarly, many Members of this Congress supported the President's decision to extend diplomatic recognition of Vietnam because they felt an open dialog would help us resolve once and for all the issue of our POW/MIA's.

Finally, this Nation has constantly engaged the North Koreans in frank and open discussion of their nuclear weapons programs and we have even agreed to sell them nuclear power generating equipment.

My point here is that this Nation has chosen to confront in full diplomatic dialog some of the most ruthless communist, civil rights abusing dictatorships in the world in the hope that this dialog would somehow influence their behavior both domestically and in the international arena.

So, what is wrong with our policy approach to Cuba. Is Cuba any more of a threat to us than China or North Korea? Hardly. Is Castro somehow more of a dictator than the leadership in Beijing or Hanoi? No.

So, why shouldn't the United States policy toward Cuba be changed to reflect the same approach that we take toward every other communist dictator in the world.

H.R. 927 creates a false sense of hope. It will not topple Castro but it will tighten the noose around the already miserable life most ordinary Cubans live under.

TRIBUTE TO MANCHESTER, NH POLICE CHIEF PETER FAVREAU

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. ZELIFF. Mr. Speaker, I rise today to pay tribute to Manchester, NH Police Chief Peter Favreau for his leadership role in putting together one of the Nation's most successful antidrug crusades.

Manchester, a city with a population of 98,000, had the usual problems of a city that size. While the overall crime rate in the State's largest city has declined in recent years, drug offenses increased dramatically when the city became a target for gangs from nearby Lowell and Lawrence, MA, who came to Manchester to sell drugs.

Chief Favreau, ignoring generation-old, traditional police turf lines, invited the New Hampshire State Police into the city of Manchester for the first time to work hand-in-hand with his officers to combat this invasion of drug dealers, gang members, and their related crimes. Police Chief Favreau solicited and received a $100,000 grant from the State Department of Justice to set up an interagency law enforcement task force.

Manchester police, working together with agents from the Federal Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, and Firearms, the Immigration and Naturalization Service, the Attorney General's Drug Task Force, the State Police Special Investigations Unit, and the Sheriff's Department, mobilized to rid the city of these drug dealers. The operation was stepped up in June in hopes of preventing an escalation of drug wars that had already resulted in the shooting deaths of two young men. Mayor Ray Wieczorek joined in by forming a task force of city health, building code enforcement, and police officials aimed at putting pressure on absentee landlords and their crumbling dwellings used for prostitution and drug dealing.

Chief Favreau, working in conjunction with U.S. Attorney Paul Gagnon's office and the unified law enforcement community, mobilized all the resources he could and successfully cleaned up the neighborhood.

Leaders of the T.B.O.N. organizations—Take Back Our Neighborhoods—say that as a result of Chief Favreau's task force's efforts, morale in the neighborhood is a lot better. They credit Chief Favreau and his leadership for making the area a much better place to live.

Mr. Speaker, Chief Peter Favreau's distinguished career is a model of the best we have in the law enforcement community. I ask my colleagues to join with me in saluting Chief Peter Favreau for his leadership in the Operation Streetsweeper program and immeasurably improving the lives of the people of the Manchester area. Because of Chief Favreau's dedication and ability, the citizens of Manchester feel much more comfortable and safer moving about the queen city.

IN HONOR OF THE CALIFORNIA PARALYZED VETERANS AND CASA CORAZON OF LONG BEACH, CA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. HORN. Mr. Speaker, I rise to commend the California Paralyzed Veterans for their commitment to providing comfortable housing for disabled veterans in the 38th Congressional District. Their hard work and dedication has resulted in the construction in Long Beach, CA, of Casa Corazon—a model of housing for persons with disabilities.

Casa Corazon is also an outstanding example of what can happen when Government agencies in Washington and at the local level join together for the betterment of a community. To make the dream of Casa Corazon a reality, the California Paralyzed Veterans reached out to include the Department of Housing and Urban Development [HUD], the Long Beach Housing Authority and the city of Long Beach. Their cooperation contributed heavily to the successful completion of Casa Corazon.

The members of the California Paralyzed Veterans are role models of ongoing service to others. They began with their personal service and sacrifice for our Nation during times of war. Their service has continued into peace time with the creation of Casa Corazon. I commend the California Paralyzed Veterans for all that they have given our Nation and for all that they are doing to ensure a better quality of life for all members of our community. Their efforts and Casa Corazon serve as a reminder of another job well done.

CHRIST CHURCH, U.C.C., 100th ANNIVERSARY CELEBRATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to offer congratulations and best wishes to the people of Christ Church, a congregation of the United Church of Christ, on the celebration of their 100th anniversary of ministry on Milwaukee's south side.

Formally organized in September of 1895 with nine charter members, Christ Church has risen to every challenge of the past 100 years—and today continues to be a vibrant, committed congregation of 629 members. I suspect that when they look back over that century of ministry, they may be quite surprised at the remarkable things they have accomplished as a people of faith. But, in fact, they are living proof of the old saying, "What faith makes possible, love makes easy."

Mr. Speaker, I ask my colleagues to join me in congratulating the members of Christ Church for their 100 years of dedicated service to God and Country. May God continue to bless their labor.

ACCESS TO HIGHER EDUCATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. PACKARD. Mr. Speaker, there appears to be a great deal of misinformation circulating regarding Republican plans to cut aid for higher education. Scare tactics, as we know, are usually the last resort of a desperate cause without a plan of their own.

The Republican-led 104th Congress has worked diligently to reform, streamline, and cut costs in Government. But let us get the facts straight. Our balanced budget proposal does not cut a single student loan. In fact, there will be more loans available next year than ever in the history of the program. In-school interest subsidies remain. Loan fees are not increased and Pell grants are funded at the highest level in history. Student aid is not cut.

The future looks extremely bright for students, if we enact a balanced budget. With a balanced budget, interest rates for money borrowed will decrease by at least 2 percent. That means a student who originally borrows $11,000 for college at 8 percent could see the cost of that loan decrease by more than $2,000. If we don't balance the budget, student loan programs will go bankrupt, not to mention numerous other programs.

I urge my colleagues on the other side of the aisle and the Clinton administration to stop the scare tactics and work with us to craft a plan that will save student loans and the Federal Government from bankruptcy.

CANCER-RELATED INSURANCE REFORM—COVERAGE OF CLINICAL TRIALS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. COLEMAN. Mr. Speaker, clinical trials provide the best available treatment for many patients with cancer, AIDS, and other life-threatening diseases, for whom standard therapies offer a limited chance for survival or enhanced quality of life. This is particularly true for children with cancer; over 60 to 70 percent are treated in clinical trials.

However, many health care insurers refuse to reimburse patient care costs which result from participating in clinical trials by claiming such therapy is investigational or experimental. When this happens, individuals cannot receive what potentially may be the best treatment for their condition unless they can afford to pay significant out-of-pocket expenses often running into thousands of dollars. Unless these patient care costs are included in a standard benefits package, it is likely that the reformed system will evolve into one of two tiers of care—potentially one in which only the wealthy have access to the best anticancer treatments.

Reimbursement denials impede the ability to conduct effective and timely clinical research by increasing administrative burdens on medical institutions and reducing the number of patients eligible to participate in trials. If reimbursement is not available, fewer hospitals will be willing to participate in clinical research and the opportunity to test new and effective treatments will be lost. The data collected while providing state-of-the-art care to patients in clinical trial advance medical science and improve our ability to provide cost-effective therapies.

TRIBUTE TO ROZ AND ABNER GOLDSTINE

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. WAXMAN. Mr. Speaker, we ask you and our colleagues to join us in paying tribute to Roz and Abner Goldstine for receiving the Jewish Vocational Service's prestigious Lifetime of Service Award.

Roz and Abner Goldstine have devoted tremendous amounts of their time, energy, and creativity to the indispensable work of the Jewish Vocational Service, which is a nonsectarian, nondenominational organization that provides job training and placement services.

The Goldstines have been leaders in the Jewish Vocational Service's efforts to assist scientists, engineers, and aerospace workers whose jobs have been lost due to the end of the cold war and the related Federal downsizing and reordering of national priorities. As we all know, these changes have put a disproportionately large burden on the State of California. We owe a debt of gratitude to Jewish Vocational Service and the Goldstines for their work in meeting a great need. At the same time, the Goldstines have helped sustain the commitment of the Jewish Vocational Service to individuals at every level of the work force who seek employment opportunities.

Mr. Speaker, we ask our colleagues to join with us in saluting the Goldstines for their extraordinary service to the Los Angeles community. We wish them continued happiness and success in their endeavors.

THE POLITICS OF PATERNITY LEAVE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mrs. SCHROEDER. Mr. Speaker, today I want to give thanks to Tom McMakin who in the September 25 issue of Newsweek, wrote a moving opinion piece that reminds us that the Government can be a force that helps the American family and fosters family values. In a time when bashing the Government is as popular as ever, Mr. McMakin took the time to point out how the Family and Medical Leave Act, a bill I first introduced in 1985 and Congress passed into law in 1993 has helped him

in his new role as father to his 4-month-old daughter Valerie.

Tom McMakin's words are an inspirational "thank you" to the many Members of both sides of the aisle who worked, compromised, and persevered so that American families could bond with their newborns or take care of elderly parents without sacrificing their economic security.

As Mr. McMakin states in his article, the Government is not bad, but is "an expression of our collective will." Now, as we are debating bills that are going to significantly effect the lives of all Americans we should keep in mind what is really important to the millions of people who are like Tom McMakin.

[From Newsweek, Sept. 25, 1995]

THE POLITICS OF PATERNITY LEAVE

(By Tom McMakin)

Valerie's asleep now, having snacked most of the morning, fussed and finally closed the brightest blue eyes I've ever seen. Quiet moments like these are rare when you are taking care of a 4-month-old. When she sleeps, it's time for me to mix more formula, wipe the counter, call about life insurance and then, if time allows, break open the laptop and sit down to write for a few minutes. Welcome to paternity leave, a spicy stew of belches and smiles. DPT shots, heavy warm diapers and the odd moment of reflection.

The idea that fathers should take time off from work to be with their newborn children is a relatively new one, but it's an idea that is long overdue. Two years ago, time at home with Valerie would not have been possible. But thanks to the Family and Medical Leave Act of 1993, here I am changing my daughter's diapers and enjoying her first gurgles and giggles. Who would have thought it? A bunch of faraway lawmakers passed legislation, and it profoundly affected my life. Their law, PL103-3, requires that companies with more than 25 employees allow them to take up to 12 weeks of uncompensated time off to care for their children. Because of this legislation my life is richer.

Much richer. This bundle of sweet smells I call my daughter has given me the gift of new sight. A trip to the supermarket used to be a dreaded errand; now it is the highlight of my week. Valerie has taught me to look beyond our store's confusion of brands and hype and focus on the colors, shapes and happy chatter that make each visit a carnival of sight and sound. We squeal at the celery, spit heartily at the dairy rack and shrink in terror at the sight of the frozen turkeys. The moving counter by the cash register is a revelation.

A walk downtown has been similarly transformed. Everyone loves a baby. And we love them back for it. People I've never spoken with, but have passed on the street many times before, smile and ask how old she is. To be a baby, I've learned, is to live in a friendly, welcoming world. But it's not just her world; it's mine too. Because of my time home with Valerie, I'm also much more understanding of children and parents. I rush to help a mom with a stubborn car door or a dad whose youngest is on the verge of straying. I smile at mischievous kids, happy to see them speeding off in this direction or that, ruining their parents' best-laid plans.

I have paternity leave to thank for teaching me these and other lessons (never dump formula in cold water—it doesn't mix). I am grateful to my wife and to my employer for encouraging me in my decision to stay home and am grateful to a government that made taking this time possible.

Sadly, when Valerie and I walk downtown and stop at the local coffee shop, we hear people talking about government in two ways, neither of them very good. They say that government is either ineffective or misguided, with most agreeing that it is both. It is not hard to understand why the ranchers and business people clustered around the small Formica tables think this way. In our state of Montana, the public owns 39 percent of all land. That means there are legions of federal, state and local managers running around doing surveys, convening task forces, forming policy and interpreting regulations. With so much at stake and with so many bureaucrats in action, it is inevitable that these well-intentioned civil servants make mistakes. When they do, the mistakes are widely discussed and greatly criticized.

That's a shame. Somewhere in the rush to criticize, we have failed to see the forest for the trees. While Bozo the Clown may run a public agency or two, I cannot escape the fact that my sitting here today trading coos with my daughter is a salute to the possibility inherent in public action. On Feb. 5, 1993, our representatives in Washington decided it was important that families be allowed to spend time together when they most needed it and, more important, that wage earners should not lose their jobs while caring for a dying mother or recuperating from a serious operation or spending time with a newborn. In my book, that bad boy of American culture, Congress, did something right when it passed this law.

The citizenry of this country has expanding and contracting tastes in what it wants its government to do, not unlike the members of the credit union to which I belong. One year we may ask the credit union's management to make sweeping changes, add more services and expand the types of loans it is willing to make. And then that energy runs its course and the membership elects a new board or hires a new manager to trim costs and services. When we ask the credit union to add services, we are not suggesting that credit unions ought to take over the world. By the same token, when we ask it to cut services, we are not saying credit unions are worthless. It's more like riding a horse up a hill: you might go to the left for a while and then to the right, but, even with the zigs and zags, you are still headed in one direction—toward the top.

In this current season of scaling back government—both Republicans and Democrats seem to agree that this is a good thing these days—my hope is we remember that government is capable of doing things and doing them well. I work 40 hours a week because my great-grandfather voted for a reform Congress at the end of the last century. My savings at the credit union are insured because my grandmother voted for FDR. My dad put Eisenhower and a forward-looking Congress in place in the late '50s. As a result, it takes me one hour to travel to Butte and not two, on an interstate-highway system. Government isn't bad in and of itself. It isn't some malevolent Beltway-girdled ogre perched on the banks of the Potomac. It is, rather, an expression of our collective wills.

But wait. Valerie is stirring. Little wet slimy hands await. I need to warm a bottle, find a fresh diaper, pad upstairs and quietly make sure she is serious about ending this nap, and finally peek over the side of the crib and drink in that bright, beautiful smile that never fails to remind me why I so like being a dad at home.

IN MEMORY OF POLICE OFFICER MELVIN KEDDY

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. ZELIFF. Mr. Speaker, I rise today to pay tribute to the cherished memory of Police Officer Melvin Alan Keddy, who was struck and killed while directing traffic at the scene of another accident. Mel Keddy is remembered by all who knew him as a good police officer and a friend.

The community has shown their love, respect, and friendship by the many messages left on the roadside, wooden cross erected at the site of Officer Mel Keddy's fatal accident. His friends and neighbors have left flowers, candles, messages, and balloons at this makeshift memorial.

As Police Chief Philip Consentino of neighboring Atkinson said, "Every police officer knows deep in his heart that every day you put on your badge, you can be killed in the line of duty. You don't expect it will happen, but when you see something like this, you know your fears are real and it could happen to you."

At the time of his death, Mel Keddy had been organizing a golf tournament to benefit the East Kingston Drug Abuse Resistance Education [DARE] Program. The fundraiser for the DARE Program typifies the life and career of Officer Keddy. He was a loyal friend, a dedicated officer, and always willing to take on another task to help improve the community where he lived.

Mr. Speaker, I ask my colleagues to join with me in honoring the life and service of Police Officer Mel Keddy and join me in expressing the heartfelt sympathy of the Members of the U.S. Congress to his son, Shayne, his daughter, Shyre, and his mother, Genieva A. Keddy.

TWENTY YEARS OF INVALUABLE SERVICE—CONGRATULATIONS TO SERRA CENTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. STARK. Mr. Speaker, I rise today to congratulate the Serra Center, a non-profit organization located in Fremont, in California's 13th Congressional District. This month Serra is celebrating its' 20th anniversary of serving adults with mental retardation.

The Serra Center was founded in 1975 by a group of parents in the community, because there were no programs available to provide individualized care for their family members with mental retardation.

The goals of Serra Center are to empower individuals with mental retardation and give them the opportunity for independence and productivity; to help them achieve their maximum potential in the least restrictive environment consistent with their needs; and to integrate each person into the community with a

sense of dignity and well-being. Services provided include training in household skills such as cooking, cleaning and money management; development of skills leading to employment; training in community skills such as how to use public transportation, libraries, and pay phones; recreation programs, and in-home support as needed.

Serra was dedicated on September 14, 1975, and began by serving 19 people in its residential program. In 1976, the Serra Center opened it doors with five on campus residences and an administration building. The organization has continued to grow, and now, in its 20th year of operation, the Serra Center has residential facilities for 57 people and provides services to 93 people living in their own homes and apartments in the Fremont community.

Mr. Speaker, I am proud to recognize the Serra Center on its 20th anniversary. I hope you and my colleagues will join me in congratulating the members of this organization who, 20 years ago, recognized a need in our community and have been working tirelessly to fill it ever since. I wish Serra the best and look forward to working with this organization for the next 20 years.

IN HONOR OF CAPT. SHINTA ASAMI

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. HORN. Mr. Speaker, I join with the Long Beach, CA, maritime community in conveying the deepest respect and appreciation for Capt. Shinta Asami's many years of dedicated service to the economic growth of California and our Nation. As chairman and chairman emeritus of the International Transportation Service, Inc. [ITS], and as a good citizen of our community, he has been a most constructive force.

Captain Asami has been a maritime industry leader for over a half century and has spent the last 25 years at the port of Long Beach in the 38th Congressional District. During the last decade and a half, he has expanded and improved the terminal while adding facilities elsewhere in California, Washington, and New Jersey. Until recently, ITS was the only container terminal on the west coast to offer on-dock rail capability, with cargo boxes being loaded directly from ship to rail, thus improving the air purity by eliminating much of the truck traffic on the Los Angeles area's highways. Captain Asami worked diligently to establish this system and is now affectionately known as the "Father of On-Dock Rail."

I salute Captain Asami for his many contributions to our area and for his longstanding leadership in the California maritime community.

STATEMENT OF CONGRESSWOMAN SHEILA JACKSON-LEE REGARDING THE PLANNED REPUBLICAN CHANGES TO MEDICAID

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Ms. JACKSON-LEE. Mr. Sepaker, the Republican majority of this Congress has revealed its plan to decimate Medicaid less than 24 hours before the start of markup and voting activities were to begin in the House Commerce Committee. Without one single public hearing, Republicans are attempting to cut $182 billion from a program which millions of low-income working people and poor people depend upon for the most basic of medical services.

Good public policy takes something there is * * * Republican plan, I think my colleagues and I would be remiss if we did not demand, for ourselves and those we represent, time to study the repercussions of such a far reaching plan. Indeed, this plan does more to Medicaid than their plan will to Medicare, and they are proposing at least one day of hearings for it.

I can not but but believe that my cohorts across the aisle had nothing but good intentions when they and the thirty Republican governors crafted this plan. However, I must take issue with many parts of it which leave vulnerable many people who have no other means of medical support. This plan attempts to provide states with flexibility in how they may use their Medicaid funds. However, in attempting to do so, they have stripped the Federal government of its ability to protect the poor and the old, precisely those who need both protection and health care the most. Congress can no longer specify minimum requirements of health care. The states must do that. Congress can no longer specify eligibility requirements. The states must do that. Congress can no longer specify quality standards or guidelines. The states must do that. I believe that this plan is asking too much of the states.

The first point I take issue with is that of eligibility. Under the plan before the Commerce Committee, individual entitlement to medical assistance would be abolished for all populations. That spells disaster for healthcare for the needy across the nation. Furthermore, the plan earmarks a certain percentage of the states' plans for pregnant women and children, disabled people under 65 and elderly people, but the plan does not exactly define the requirements of eligibility within these groups.

Then there is the issue of access to healthcare. Within the plan, the States' ability to require beneficiary cost-sharing is almost unlimited—except for families below 100% of poverty that include either a pregnant woman or child—and elderly and disabled enrollees could be required to pay large premiums, deductibles and copayments. This version of cost-sharing reduces necessary utilization of services among low income populations. As a result, these requirements would effectively restrict beneficiaries' access to much needed health services.

The Republican party shields itself behind false and misleading statements regarding Medicaid, always blaming the poor for Medicaid's problems. Yet, current protections preventing impoverishment of the spouses or sons and daughters and their families to care for those needing long term care are gone. There would be no guarantee that spouses of nursing home residents would be able to retain enough monthly income to remain in the community. The Republicans are allowing, under their plan, families to go broke while trying to care for their elderly members seems slightly hypocritical.

The lack of specification of standards with respect to delivery systems is in my opinion, criminal in its neglect and thoughtlessness. This plan does not include quality standards, or general quality guidelines, for capitated managed care plans. The Federal Government is prevented from enforcing current access standards, such as physician to patient ratios as well as time and distance requirements. Finally, the ability of states to contract with managed care plans for services, case management, or coordination would be completely unfettered which could result in the reemergence of "Medicaid mills". This lack of accountability concerns me a great deal. I worry about all the unprotected older Americans who will be left naked and defenseless against the bean-counting efficiency experts of state governments and healthcare providers.

Not only does this plan cheat the young, elderly and disabled, but it also finds a way to inflict its suffering on the special populations of this country. Regardless of one's feelings towards undocumented workers, can anyone declare that those merely searching for a better life should be denied emergency services for the simple crime of not having been born a United States citizen? I think not. With regard to Native Americans, states would no longer be required to pay for services in IHS facilities. This country owes a certain debt to the Native peoples of this land, and I believe we should not forget or abrogate that responsibility.

Program integrity is indeed addressed in the GOP plan. Their version requires states to operate fraud control units to investigate and prosecute fraud, abuse and neglect of beneficiaries, but it does not provide funding to do so. If I am not mistaken, this is an unfunded state mandate, is it not?

Amongst many other things, the public needs to know that this revolutionary plan has language which says that "No person"–meaning beneficiary, doctor, hospital or private health plan—shall have a basis to sue a state for failing to comply with Federal Medicaid statues or the terms of the state's Medicaid program. Thus, this plan has stripped not only the Federal Government of its ability to protect beneficiaries, but has also stripped the beneficiaries any means of protecting themselves. Once again, the questions about accountability must be asked and answered.

Under the Republican plan, Texas will lose over $11 billion during the next 7 years and I have been told by public healthcare providers in my district that these cuts will cause great harm to the people they serve. These providers are concerned about having to close neighborhood clinics which administer preventive and primary care. They are concerned

that the fiscal burden of caring for the poorer people of my district will increasingly fall upon the shoulders of the area taxpayers. They are worried that they will have to turn away the children they have sworn to help. And it is for these reasons that I am worried.

CELEBRATING THE CAREER OF NORMAN MINETA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. CONYERS. Mr. Speaker, I rise today to honor my good friend and distinguished colleague, Congressman NORMAN MINETA of California's 15th Congressional District. I will remember his service to this body as thoughtful, prolific, and endearing.

After operating an insurance business with his father in the 1960's, he became increasingly active in the Japanese-American community of San Jose, and the Japanese-American Citizens League in particular. His passion for public service took off from there. He served as a member of San Jose's Human Relations Commission, then moved on to the city's housing organization. After some time with the city council, he was elected mayor of San Jose in 1971 at a time when the city's population was exploding. It was during these years that MINETA's command of substance and service to the common good made his destiny at the national level certain.

Representative MINETA has served in Congress since 1974 and devoted himself to a sound economy through Government and the defense of the disadvantaged. There are several elements of his career as a legislator that I would like to highlight today, some of which are particularly timely in this Congress.

In the 102d Congress, in the face of a hostile President. Congressman MINETA led the fight for the successful passage of the Intermodal Surface Transportation Infrastructure Act of 1991, the single most important piece of transportation legislation passed by Congress in decades. This 6-year bill authorized $151 billion for the construction of highways, for highway safety programs and for revitalizing mass-transit throughout America. Committed to both an active Government and a responsible private sector, MINETA responded to proposed cuts in Government departments by declaring: "What sense does it make to reduce transportation investments that build our economy?"

Congressman MINETA's interests and concerns were truly broad. In 1993, he authored a bill that designated May 1993 and May 1994 as "National Trauma Awareness Month." Two other bills he wrote expanded the Air and Space Museum and the Natural History Museum of the Smithsonian. All of these became law. He also applied his energy and intellect to minority health issues. As Chair of the Congressional Asian-Pacific-American Caucus, he spoke for the Disadvantaged Minority Health Improvement Act Reauthorization last year. During that debate, he noted "the problem of discrimination in our Nation's health care system is a major one," and outlined how the bill would remedy this crisis, especially for geographically isolated minorities.

On matters related to the Judiciary Committee, we stood side-by-side often, supporting the assault weapons ban, and protecting access to abortion clinics last year. This spring, following his introduction with myself and Congressman MOORHEAD of a resolution urging China to enforce its intellectual property laws, NORMAN traveled through Asia with myself and others on a Judiciary Committee trip investigating such concerns. His wife Danealia's charm and style proved an asset too on that excursion.

Some might list his ascension to the chairmanship of the Public Works Committee in the 103d Congress as the crowing achievement of his career; in fact, he was the first Asian-American to chair a major committee. But I would list a different accomplishment that I have a great admiration for, and that I think he has a sound sense of pride: his legislation providing reparations for Japanese-Americans held in prisons during World War Two.

Rooted in his own traumatic experience as a child in an "internment camp" in Wyoming during the war, MINETA authored legislation that the 100th Congress passed that provided $20,000 each to the 60,000 surviving victims of those concentration camps, and even more importantly, a formal apology from the U.S. Government.

I share his belief that institutional or governmental memory consisting of documents, archives, and transcripts cannot be the sole guardian of the past. I believe that history is too important to leave to this kind of memory because institutions can choose what they want to forget, like the internment camps of slavery of African-Americans. Institutions also have weak mechanisms for providing an element of moral reflection to history. Many people do not know that the American Government has never officially acknowledged slavery. Together, we sponsored a bill for reparations for African-Americans, H.R. 891, to have the Government do just that. In a way, this bill forces a moral judgment into an official history of something that has been forgotten and denied for centuries. Because of his work for reparations for Japanese-Americans, he was always enthusiastic about exploring the meaning and broad implications of reparations.

I will miss his insight on reparations, intellectual property, health care and many other issues. I wish him the best of success in his private endeavors, and I feel honored to have served with him.

END TURKEY'S OCCUPATION OF CYPRUS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1995

Mr. BONIOR. Mr. Speaker, I rise in support of House Concurrent Resolution 42, a resolution calling for the demilitarization of Cyprus.

On July 20, 1974, Turkish troops invaded Cyprus and began a military occupation. Today, 35,000 Turkish troops still remain on Cyprus. They occupy one-third of the island. In a chilling reminder of the Berlin Wall, a barbed wire fence known as the Green Line cuts across Cyprus, separating thousands of Greek Cypriots from the towns and communities in which their families have lived for generations.

As a result of the invasion 21 years ago, thousands of people were killed, more than 200,000 people were expelled from their homes, and today, more than 1,600 remain missing—including 5 Americans.

Instead of helping us to locate the missing and enter negotiations aimed toward unity and freedom for Cypriots, Turkey today continues to keep troops on the island.

Mr. Speaker, this resolution calls for the troops to be withdrawn from Cyprus and urges compliance with United Nations resolutions on the issue, which Turkey has thus far refused to do. I am proud to join many of my colleagues as a cosponsor of the resolution and applaud its passage.

Over the past few years, we have witnessed tremendous changes around the world—the fall of the Berlin Wall, the beginning of reconciliation in the Middle East, and the end of apartheid. It is my sincere hope that soon we will be able to add Cyprus to that list of places where peace and freedom have triumphed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 21, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.

Labor and Human Resources

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H.Con.Res. 67, setting forth the Congressional Budget for the United States Government for fiscal years 1996 through 2002, and to consider pending nominations.

SD–430

10:00 a.m.

Governmental Affairs

Business meeting, to consider recommendations which it will make to

the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

SD–342

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold joint hearings with the House Committee on Judiciary's Subcommittee on Constitution to examine the status and future of affirmative action, focusing on minority contracting.

SD–226

SEPTEMBER 26

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

SR–253

SEPTEMBER 27

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Environment and Public Works

To hold hearings on the nomination of Kathleen A. McGinty, of Pennsylvania, to be a Member of the Council on Environmental Quality.

SD–406

SEPTEMBER 28

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the use of ethanol's impact on clean air and the farm economy.

SR–328A

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on proposed legislation to reform public housing and tenant based section 8 assistance.

SD–538

1:30 p.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine non-immigrant immigration issues.

SD–106

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

SEPTEMBER 29

10:00 a.m.

Judiciary

To hold hearings to examine religious liberty in the United States.

SD–226

OCTOBER 25

10:00 a.m.

Veterans' Affairs

To hold hearings to examine veterans' employment issues.

SR–418

POSTPONEMENTS

SEPTEMBER 26

9:30 a.m.

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold oversight hearings on the science of slow management and hatchery supplementation, focusing on the recovery of Snake River anadromous species.

SR–253

10:00 a.m.

Judiciary

To hold hearings to review the incident which occurred in Waco, Texas.

SD–106

SEPTEMBER 27

10:00 a.m.

Judiciary

To continue hearings to review the incident which occurred in Waco, Texas.

SD–106