SENATE—*Wednesday, October 11, 1995*

(Legislative day of Tuesday, October 10, 1995)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the Honorable FRANK H. MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The PRESIDING OFFICER. In the absence of the Chaplain, we will have a short prayer, which I will read.

Almighty God, Sovereign of this Nation and Lord of our lives, we trust in You. This Senate is constituted with the fundamental conviction that You govern the affairs of this Nation. The women and men of this Senate have been called to their responsibilities by You through the voice of the people of their States. They are here by Your appointment.

Now, in this sacred moment of prayer, we acknowledge our total dependence on You for the endowment of the gifts of wisdom and discernment for the discussions, debates, and decisions of this day. Here are our minds; think through them. Here are our wills; guide us to do Your will. Here are our hearts; set them aflame with renewed patriotism and deeper commitment. We press on to the challenges of this day, dedicated to work diligently for Your glory. Dear God, bless America, and to that end, bless the deliberations of this Senate today. In Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 11, 1995.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable FRANK H. MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Mississippi, Senator COCHRAN, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, for the information of Senators, this morning, there will be a period for morning business until the hour of 11:30 a.m. At that time, the Senate will resume consideration of S. 143, the Workforce Development Act. Approximately 3 hours and 45 minutes remain for debate on the bill, with several amendments remaining in order to the bill under the unanimous-consent agreement. Rollcall votes can, therefore, be expected throughout the day. The majority leader has indicated that the Senate is expected to complete action on S. 143 today and it is, therefore, possible that the Senate may begin consideration of the State Department reorganization bill, S. 908, during today's session.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11:30, with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Illinois is recognized.

NEEDLESS DIVISIONS IN OUR COUNTRY

Mr. SIMON. Mr. President, I just came from the ceremony held in the House Chamber. It was a marvelous ceremony, and I want to thank Senator THURMOND and Congressman SPENCE for putting it together.

Our colleague from Hawaii, Senator INOUYE, said something that I think is significant for this body and for the other. He said, "You do not need to look to Los Angeles to see needless divisions in our country." He said, "You can look right here at the House and the Senate."

I think that is true. Each of us is partisan. I am proud to be a Democrat. Other colleagues are proud to be Republicans. But when we come here, sure, let us have differing opinions, but the excessive partisanship that is here, I think, discourages this country about our process. I think it harms both parties, and I think there is nothing finer that we could do at this point than to listen to our colleague, Senator INOUYE—in both political parties; I am not suggesting either one is better on this. We can work together more.

As I leave this body at the end of next year, my greatest regret is that I have seen this body deteriorate gradually over the years and become more and more partisan. That has not helped the American public. That has not helped the two-party system.

I see my colleague from Wyoming. He is going to seek the floor.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

WORKFORCE DEVELOPMENT ACT OF 1995

Mr. THOMAS. Mr. President, I rise this morning to speak in support of S. 143, the bill that is on the floor and will be on the floor later today, the job training bill.

Mr. President, I first want to commend Senator KASSEBAUM for the work she has done on this bill, and the others as well. I am not on that committee, but I am interested in this bill and what it seeks to do. I think it is symptomatic of the changes that need to be made in many of the programs, and it seeks to bring together 150, roughly, programs that have been designed over the years, each with a certain amount of merit, of course, and certainly each now with a constituency, and to bring those together and to seek to make them more efficient.

It seems to me, Mr. President, that one of the exciting things about this year in this Congress has been that there has been, for the first time in very many years, an opportunity to look at programs, to evaluate programs, to examine their purpose and then to see if indeed they are carrying out that purpose to see if there are better ways to do it and, perhaps as important as anything, to see if there is a way to shift those programs with more emphasis on the States and local government.

I come from a small State; I come from Wyoming. When I am in Washington, I live in Fairfax County, and there are twice as many people in Fairfax County as there are in the State of Wyoming. So we have a little different and unique need there for the kinds of programs. We still have a need for the programs, whether it be welfare or job

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

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training, but we need to have it tailored in a way that, I suspect, is quite different from that of Pittsburgh or New York City, and that is what this program is all about.

I think too often—and I am concerned about this, Mr. President—as we seek to make change—and I think voters want to make change; they said they want to make change in November 1994. Yet, of course, there are people who legitimately do not want to change and want to stay with the status quo. It is much easier to oppose change than it is to bring it about. So we find often those who are, for whatever the reason, opposed to change, saying, well, that is going to gut the program, that is going to do away with the program, and that is going to eliminate the help for the people who have been the beneficiaries of the program. And that is not true. That is not true in this program, it is not true in health care, it is not true in Medicare, and it is not true in welfare.

On the contrary, these programs are designed to bring to those beneficiaries a more efficient program to specifically deal with the needs where those folks live. It gets us away from that idea that one size fits all, away from the idea that Washington knows best. Instead, it moves the programs where the decisions can be made by local people who respond to local needs. So we have, in this case, lots of money—$20 billion—going in these 150 programs, and this is an effort to bring them together and to block grant many of them to the States so that the States can say, in effect, here is where we need that education money.

We do need change, Mr. President. There undoubtedly has been a strong feeling that the things that the Government is doing are not succeeding. We have more poverty now than we had 40 years ago. So it is hard to say that the programs that are designed to alleviate poverty have been workable. It is not a matter of not having spent enough money, in my judgment, but rather not spending it as efficiently as we can. I think there is an adage that we need to adhere to, and that is that you simply cannot expect things to continue by doing the same thing. You cannot expect different results by doing the same thing, which is basically what we have done.

So, Mr. President, I rise in strong support. I think we have a great opportunity to make some changes. This is a testing time. Probably the greatest test of representative government, when voters say, look, we are not happy with the way things are, we think we need to change them, the greatest test is to see whether that Government will indeed be responsive to that request for change. I am first to say how difficult it is. And in each year it gets increasingly difficult. As we have more programs and we have more money and we have more people involved in these programs, we have more people involved in bureaucracies, more people involved in lobbying, there is a great resistance to change. I think we have, for the first time in many years, the greatest opportunity to bring about that change.

We need to reduce bureaucracy. We need to increase the private sector involvement. We need, perhaps most of all, to increase the accountability, to measure productivity in these programs, and we can do this.

So, Mr. President, I urge my colleagues to move forward with this education bill, this training to work, S. 143. I urge that we pass it. I urge that we shift many of these funds and responsibilities to local government, to State government, so that they can, indeed, be oriented to the problems that we seek to fix.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized to speak for up to 20 minutes.

RACHEL SCHLESINGER

Mr. WARNER. Mr. President, today Senator NUNN and I will speak on behalf of Rachel Schlesinger who just passed on to her reward. She is the widow of Dr. Schlesinger, a mutual friend.

Mr. President, I was privileged to serve in the Department of Defense during the period of 1972–74 with the Secretary of Defense Schlesinger. At that time I had the privilege of learning to know and revere his lovely wife, Rachel, who just passed on.

She was a source of great strength to Dr. Schlesinger as he undertook the important posts of Director of Office of Management and Budget, Secretary of Defense, Director of the Central Intelligence Agency, and Secretary of Energy.

He has had one of the most remarkable public service careers of any living American. I worked with him in each of these assignments through the years and learned to know and to love his late wife.

She was a great source of strength to this fine public servant. I am doubtful he could have fulfilled these important posts without that source of strength given by his wife and his children.

I join today with my distinguished friend and colleague, the senior Senator from Georgia, [Mr. NUNN], who, likewise, through the years, learned to respect and admire Jim Schlesinger and his wife, Rachel.

Our prayers go to their family, and I express my gratitude for the friendship given me through the years by Mrs. Schlesinger. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Georgia, [Mr. NUNN], is recognized.

TRIBUTE TO RACHEL MELLINGER SCHLESINGER

Mr. NUNN. Mr. President, I rise this morning to pay tribute to a wonderful lady and wonderful friend, Rachel Mellinger Schlesinger. Rachel died yesterday morning in Arlington, VA. Rachel was the wife of James Schlesinger, a remarkable public servant who served in Cabinet positions in three administrations.

In a real sense Rachel served as first lady of the Department of Defense, first lady of the Department of Energy, and first lady of the Central Intelligence Agency, when Jim Schlesinger held these important Cabinet posts.

Rachel was a remarkable and accomplished woman, by every measure. She was a talented musician. She was active in the mental health movement, historic preservation, and in the preservation of the rural lands that she loved so much. She was also founder and first chairman of the Ballston Symphony and a deacon in her church.

Rachel rarely involved herself in public issues. She always had her own convictions and opinions, but her capacity to deal with crisis was famous. She accompanied Jim to many distant places in connection with his work and on several occasions, by putting herself willingly in dangerous situations, she helped calm and reassure her friends and our friends around the world and our allies around the world.

On one occasion which reached public attention, Jim was then Chairman of the Atomic Energy Commission. A Spartan missile warhead test was scheduled in the Aleutians, and there was widespread fear that it would cause an earthquake and a tidal wave known as a tsunami in that area. Rachel packed up her two daughters and her husband and moved them to the island where the test was to take place. The family's presence was widely publicized and calmed much of the alarm in that area.

Rachel traveled with Jim on an extended trip to Asia in 1975 when Jim became the first United States Secretary of Defense to visit Japan for many years. It was after the fall of Saigon, and there were widespread demonstrations. But the trip also generated an outpouring of support, due in no small part to Rachel Schlesinger's presence by Jim Schlesinger's side.

Rachel served as college editor of Mademoiselle magazine after graduation from Radcliffe with honors in American history and literature. After her marriage to Jim, she did some freelance writing for a time, but she soon devoted herself entirely to their growing family, and of course she was very, very proud of their eight wonderful and successful children. After their eight children had grown up, she became active again in charitable and cultural affairs. One of those eight, their daughter, Clara, served very ably in my office as an intern in 1985.

Rachel was a violinist with the Arlington Symphony since 1983. She was on the board of directors and on the executive committee of the symphony. She served on the overseers' committee of the Memorial Church at Harvard, was a deacon and Sunday school teacher at Georgetown Presbyterian Church, and distributed food on many, many occasions to the homeless over a large number of years.

Rachel was absolutely committed to mental health, and she worked closely with the National Alliance for the Mentally Ill, including testifying before the Congress. Rachel always retained her love of the land, from her childhood days on the family farm in Ohio. In the 1980's, she began to raise Christmas trees in the Shenandoah Valley, delivering them herself near Christmastime, including the delivery of several to the Nunn home just in time for our Christmas celebration.

Rachel's long battle with cancer is now over, but the memory of her rare spirit will comfort and sustain those she loved and cared for in a life of courage and a life of commitment.

I thank the Chair.

RACHEL SCHLESINGER

Mr. JOHNSTON. Mr. President, sadly we learned yesterday of the death of Rachel Mellinger Schlesinger, the wife of Jim Schlesinger and the mother of his eight children. On behalf of the Senate, I want to convey to Jim our deepest sympathy on the loss of his beloved companion of more than 40 years. I also want to say something about Rachel who, quietly and without fanfare, did those good works that the Book of Proverbs praises. She genuinely did open her hands to the poor and reach out her hands to the needy, distributing sandwiches to the homeless and testifying before Congress on the problems of the mentally ill. Rachel was a gifted, energetic, and compassionate woman, but such a private person that few Americans know of her contributions to the quality of our community life. I would like to take this opportunity to express our appreciation of what she did for us.

Rachel Line Mellinger was born on a farm in Springfield, OH, and always considered herself a country girl. She loved gardening, and in the 1980's, she bought a farm in the Shenandoah Valley to raise Christmas trees which she delivered personally to satisfied customers and delighted children. Thanks to her interest in the preservation of historic sites and rural land, Americans will have more of both to enjoy in times to come.

Like Thomas Jefferson, a fellow Virginia farmer, she was a talented writer and musician. She played the violin, not only for her own pleasure, but to give pleasure to others. She played with the Arlington Symphony Orchestra for 12 years and served on its board of directors. She was the founder and first chair of the Ballston Pops, a May festival which she originally organized 10 years ago.

She was active in the community both publicly and privately. She served as deacon of the Georgetown Presbyterian Church and on the overseers committee of the Memorial Church at Harvard, but on Sundays she could be found in the Sunday school where she taught classes. She was active in the mental health movement, and worked with the National Alliance for the Mentally Ill.

We all know that in public life, public service can be hard on families. Jim Schlesinger served in Cabinet positions in three administrations. Rachel Schlesinger also served, in strength and dignity, preserving the privacy of her children and supporting her husband with the warmth of her presence. It is not an exaggeration to say that in all the agencies in which her husband served, she was universally loved.

Rachel Mellinger Schlesinger was a wonderful person, wise, kind, and thoughtful, who did good and not harm all the days of her life. She will be missed.

Mr. President, I was please to be able to see her 3 days ago and can report that in her last days she was cheerful and reassuring to all of those around her. She will be greatly missed. I yield the floor.

THE POLITICS OF FEAR

Mr. GRAMS. Mr. President, my Minnesota office is located in the town of Anoka, the Halloween capital of the world.

For most of my neighbors there, a good scare means nothing more than a Halloween visit to a haunted house, or maybe a roller coaster ride at the amusement park, or an evening in front of the TV watching old horror movies. So who would have ever guessed that, in 1995, the list of ways to give somebody a good scare would include handing them a letter from their U.S. Congressman.

There is a campaign of fear and misinformation being waged around us, Mr. President, and I come to the floor today to share with you my absolute contempt for it, and my sincere sympathy for its innocent victims.

The perpetrators? My colleagues in the minority party, in both Chambers, who are sinking to new lows as they fight desperately against the tide of public opinion that came crashing down on them last November.

Their victims? Senior citizens, who have done nothing to deserve this kind of treatment, except, apparently, to grow old.

Let me tell you about one of those victims.

She is 91 years old, and for the last couple of years, she has lived in a nursing home in the town of Cambridge, MN.

Her name is Ethel Grams, and she is my grandmother. My grandmother received a letter, delivered right to her nursing home bed, from her Representative in the House. And I am appalled that older Americans, who are among the most vulnerable in society, are being subjected to these kinds of scare tactics, fear-mongering, and blatant, self-serving distortions.

The letter is about Medicare, and is sprinkled—liberally—with inflammatory phrases like drastic cuts and benefits coming under attack.

Her Congressman writes of Republicans, quote "coercing seniors into health plans" and "herding as many seniors as possible into managed health care programs."

"Republicans in Congress are proposing to cut Medicare by $270 billion over the next 7 years," he writes, "in order to pay for a tax cut of $245 billion for the wealthiest of Americans—those making over $350,000 a year."

Those assertions would be laughable if they were not so serious.

Mr. President, imagine suggesting to a 91-year-old woman, bedridden in a nursing home, that her health care plan is under attack, that with Republicans in the majority, the medical benefits she is relying upon will be slashed.

What is she supposed to think? How could she not be scared?

I cannot speak for every senior citizen, but I know how much it frightened my grandmother.

Unfortunately, this is not the only example of the damage being spread through this campaign of fear.

Another of my colleagues has mailed out his own letter to seniors, at taxpayer's expense, and portions of it were printed recently in the St. Paul Pioneer Press and Dispatch.

This Congressman wrote of drastic cuts and proclaimed that "the GOP plan in Congress would force seniors to give up their personal doctor."

"Millions of seniors would be forced into managed care programs. * * * While older Americans pay more for Medicare," he wrote, "the privileged will pay less in taxes, with some receiving lavish tax breaks."

Newsweek aptly labels the Democrats' campaign as "Medi-Scare" in a cover story last month. Let me quote a paragraph for you:

> "Democrats depict the GOP's Medicare plan as a bloodthirsty attack on the elderly. "More people will die," declares a hysterical new ad from the AFL-CIO. "And it's only for the sake of tax cuts for the rich," says Democrat Ed Markey of Massachusetts.

"That's hyperbole, for sure," writes Newsweek.

It is more than hyperbole. Anywhere else, this would be labeled, at best, a blatant distortion of the truth and the State attorneys general would be called in to investigate.

In Washington, we call the practice spin control. This is the only city I know where once a lie is repeated three times, it is accepted by most as being a fact.

Mr. President, it is time we hold our colleagues accountable for their misrepresentations, and, beginning today, that is what I intend to do.

They say our plan to preserve Medicare, cuts benefits to seniors—I say "show me." They say the majority of our tax cuts will go to the rich—I say "show me."

They say we are forcing seniors to give up their doctors—I say "show me." But I know they cannot, because the facts say otherwise.

Fact No. 1: We have to reform Medicare to ensure quality health care for our seniors at a cost we can honestly afford. Unless we do, there are only two options.

Either the Medicare hospital insurance trust fund, which has provided health care services for 37 million Americans, will go out of business, bankrupt in 7 years, or we can raise taxes on our seniors and working families by $388 billion over the next 7 years.

That is the option the Democrats have chosen seven times over the past three decades—they have reduced benefits and raised taxes.

But going to the taxpayers for more money is the easy way out, and Americans have said "enough." They are demanding reform, not higher taxes.

Fact No. 2: We are going to save Medicare by increasing spending, but at a slower rate not with the dangerous cuts breathlessly predicted by the Democrats.

Medicare spending under the Republican plan will increase by 40 percent, from $4,800 per beneficiary this year to $6,700 in the year 2002.

Like Americans do every month around their kitchen tables, we have set a budget we can afford, and then decided the best way to deliver the benefits.

We are not promising benefits and then raising taxes again and again to pay for them.

Fact No. 3: Medicare reform has no connection at all to our efforts to provide tax relief to the middle-class taxpayers, the working families who so desperately need it.

With or without tax cuts, Medicare is in severe financial trouble. Even President Clinton, who has been virtually absent during the Medicare debate, realizes that.

In fact, the budget he proposed last June combined slowing the growth in Medicare spending with $110 billion in tax cuts.

The Washington Post addressed the attempt to link tax relief and Medicare reform in a September 25 editorial:

The Democrats have fabricated the Medicare-tax cut connection because it is useful politically. It allows them to attack and to duck responsibility both at the same time. We think it's wrong.

Fact No. 4: The vast majority of the tax relief in the Republican budget is directed right where it is needed most—to middle-class American families.

Every family with children will benefit from the $500 per child tax credit, and more than 85 percent of the children eligible for it live in families with incomes at or below $75,000.

These families are not the privileged or the wealthiest of Americans. They are average folks who are struggling to meet their tax burden while trying to make a good life for themselves.

Those are the facts, Mr. President. They are an honest attempt to look at the options, the costs, and the consequences—we are not taking some figures and then blatantly distorting them and proclaiming them as truth.

If my colleagues want to write and distribute fiction, they ought to label it as such and sell it through the Book of the Month Club.

The taxpayer financed fiction like the letter received by my grandmother—and similar letters received by hundreds of thousands of other senior citizens—must come to an end.

Government does have the power to do good, but the minority party undermines everyone's credibility when it preaches the politics of fear.

I suggest the next time someone wants to scare a senior citizen, they should invite over a willing relative and pop in a videotape of "Frankenstein" or "The Silence of the Lambs."

Do not threaten the security of strangers, and do not prey on their fears, because it is immoral and it is wrong, and it should be shame on them, Mr. President.

I yield the floor.

WALTER T. STEWART

Mr. HATCH. Mr. President, I rise to pay tribute to an exemplary citizen from the State of Utah, Walter T. Stewart, and to recognize his extraordinary service to our Nation in World War II.

It is my privilege and honor to report that Walter Stewart is being awarded the Distinguished Service Cross, our Nation's second highest military medal, for his extraordinary heroism and gallantry in the most decorated military battle in U.S. history.

At that time, he was a 25-year-old pilot with the 330th Bombardment Squadron, 93d Bombardment Group, based in the North African city of Benghazi, Libya. A dedicated veteran of the air war, Stewart had already flown 30 dangerous bomber missions.

Walter Stewart was skilled and he was courageous. Although only a first lieutenant, he was selected as deputy force leader of a large formation of B-24 heavy bombers assigned to attack the Ploesti oil refineries in Nazi-occupied Romania in a massive low-level assault. The target, 1,200 miles in distance from Libya, was so vital to the Third Reich that it was the most heavily defended stronghold in Europe, well exceeding the defenses of Berlin itself.

On August 1, 1943, Stewart's combat unit fearlessly spearheaded the enormous onrush of 176 American heavy bombers over the Romanian countryside. As the attacking force neared its target, murderous antiaircraft fire erupted from a fully alerted and prepared enemy. The 93d Bombardment Group heroically pressed on in its attack, defying extremely heavy fire from hundreds of enemy guns and cannons.

Only minutes from the target, the force leader's bomber and wingman were shot down in flames, and it fell to Lieutenant Stewart to take command at this perilous moment. Under his leadership, the attacking force swept over the target in waves, at roof-top altitude, and inflicted devastating damage upon it. As the lead aircraft, Lieutenant Stewart's B-24 Utah Man, dropped the first bomb on target.

Utah Man sustained heavy battle damage and became separated from the rest of the attacking force. Utah Man had been hit with hundreds of shells and bullets, sustained damage to its cockpit instruments, and was heavily leaking fuel. Yet, Lieutenant Stewart skillfully piloted Utah Man over the long and perilous route over rugged alpine mountains and across the Mediterranean Sea back to its home base in North Africa. Lieutenant Stewart's crew suffered no casualties.

On that August day in 1943, 310 men of the 93d Bombardment Group died, 185 were taken prisoner, and 150 were wounded. Fifty-four aircraft never returned.

Sadly, that was a fate that eventually befell Utah Man as well. In November 1943, after Water Stewart's reassignment to the United States, Utah Man and its crewmen would be lost over Bremen, Germany.

Lieutenant Stewart's coolness under fire, excellent judgment under pressure, courageous determination to reach the target, and his magnificent and inspiring leadership were of paramount value in the accomplishment of this dangerous mission. His service was such as to reflect great credit upon himself, the crew members of Utah Man, his home State of Utah, the University of Utah—his affinity for his alma mater is reflected in the name of his plane, his church, and his country.

Today, Walter Stewart is a highly cherished member of his church and community, an enormously respected businessman and farmer, a former missionary, a musician, the husband of 51 years to his beloved wife Ruth, a devoted father to his 5 children, and a

loving grandfather to his 23 grandchildren.

Today, as in 1943, Walter Stewart exemplifies the American qualities of courage, hard work, integrity, and faith.

I am proud to serve citizens like Walter Stewart in the Senate and proud to call my colleagues attention to this man's distinguished service to our country. I am delighted that he is finally to be awarded this significant military honor.

THE 50TH ANNIVERSARY OF THE END OF WORLD WAR II

Mr. DOLE. For the information of all Senators, the proceedings from this morning's joint meeting to commemorate the 50th anniversary of the end of World War II will be printed under the record of House proceedings. The cost of printing the transcripts of speeches for the records of both Chambers is prohibitively expensive. I urge my colleagues who were unable to attend to take special notice of this tribute to Americans who selflessly served their country.

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, the total Federal debt—down to the penny—stands at $4,969,404,416,914.25, of which, on a per capita basis, every man, woman, and child in America owes $18,863.94.

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

The PRESIDING OFFICER. Who seeks recognition?

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

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

JOB CORPS AMENDMENTS

Mr. INHOFE. Mr. President, this afternoon we are going to be discussing some of the amendments to the current Job Corps Program. One of those amendments will be offered by Senators SPECTER and SIMON in a bipartisan fashion.

There is something that is unique about this program. I have had some personal experiences with the Job Corps Program formerly as mayor of the city of Tulsa. We were able to use the participants of this program in doing massive public works within our city. Somehow none of this ever shows up to the credit of the Job Corps Program.

While I am the strongest supporter of virtually every element of the Contract With America, I do believe that there are some areas where we should give serious consideration to allowing a program to exist where it can breathe more freely across State lines, and this just might be the case as opposed to sending it in block grants back to the States.

The construction industry is an industry that, first, is cyclical and, second, varies from State to State. One of the problems that exists right now in the construction industry is that it is very difficult to find young people who will go into the construction industry, into carpentry, into masonry, some of these areas where perhaps the future does not look as glamorous as it would in some type of highly skilled or high-technology position. As a result of that, many people do not choose this except when there is a building boom going on.

One of the problems we have is that nationwide we could have a building boom in Pennsylvania and there could be a slump in Oklahoma. By the time you gear up to the boom in Pennsylvania, it could be in a slump again. Consequently, it has worked quite well to have these programs in a national scope where they do provide for a ready supply of skilled labor jobs, carpentry jobs, masonry jobs, and jobs that are critical to the building industry.

It is my understanding that the Specter-Simon amendment will not be scored, and if that is the case I would urge some of my conservative colleagues to give serious consideration to supporting the Specter-Simon amendment.

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. SPECTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

GOALS 2000

Mr. SPECTER. Mr. President, I have sought recognition to discuss further legislation which I introduced yesterday to amend Goals 2000 to make some changes which may satisfy a number of States which are concerned about excessive Federal intrusion under Goals 2000.

It is my view that there are no excessive intrusions at the present time. But in order to eliminate any concern about that issue, it was my thought that legislation might ease the concerns of some in the country who think there are too many intrusions.

The House of Representatives, in the Labor, Health and Human Services and Education appropriations bill, has eliminated the funding for the Goals 2000 Program. President Clinton has asked for an appropriation of $750 million and the Appropriations Subcommittee, which I chair, which includes funding for Department of Education, has recommended an appropriation slightly more than one-half of what the President has requested. This is because of the overall budget constraints.

But as we move forward in the legislative process and look ultimately to a conference with the House of Representatives, it is my view that we can ease many concerns, regarding Goals 2000, by a number of amendments which are incorporated into my proposed legislation, and at the same time make moneys available to a number of States which have not taken the funding.

Last year, two States, New Hampshire and Virginia, declined to participate in the Goals 2000 Program, and this year notice has been given by Montana and Alabama that they will not be participating.

The Labor-HHS-Education Subcommittee held a hearing on September 12, 1995 to bring together Secretary Riley and Mr. Ovide Lamontagne, who is the chairman of the Board of Education of the State of New Hampshire, to consider the matter before we had the markup by the subcommittee. At that time, a number of suggestions were made which might bridge the gap.

Again, I wish to emphasize my own personal view that there are not excessive strings, but in order to satisfy any concerns, we are seeking to move in a number of directions.

One of them would be to eliminate the National Education Standards and Improvement Council, which was designed to certify national and State standards. Some view this as a national school board, which I do not think it is, but the Secretary of Education, Richard Riley, thought we might eliminate it and still maintain the central thrust of the legislation; and that is that there ought to be some standards and goals, but to let the States establish their own standards and goals.

This program, Goals 2000, was very carefully crafted after a 1983 report by then-Secretary of Education Terrell Bell, a very conservative educator, who found something we all know: That the

American educational system is in a state of disarray.

Some schools are very good, like the high school I went to in Russell, KS, with 400 people, small classes, a good debating team, and a first-rate education. Notwithstanding other distinguished universities which I have attended—the University of Oklahoma, the University of Pennsylvania, Yale Law School—I think my best educational days were in high school, which underscores, at least my view, that some schools are very good. It also emphasizes the importance of elementary school.

But educational standards across the country are in a state of disrepair. Remedial action is necessary. Some of the items coming out of our subcommittee involve experimentation with privatization to take over the public school system, not competing with private school systems, but trying to eliminate the bureaucracies in schools in cities like Washington, DC, or in Baltimore, MD, Boston, MA, Hartford, CT, some schools in Florida.

I am not saying that privatization is the answer, or the charter school concept, which is also a program contained in the bill coming out of my subcommittee. But I think it is clear that the basic concept of goals is a valid one; that there ought to be a measurement, illustratively into the 4th year, at the end of the 8th year, at the end of the 12th year, but they do not have to be necessarily Federal standards.

I compliment a distinguished legislator in the State of New Hampshire, the Honorable Neals Larson, who is the chairman of the house of representatives education committee. Representative Larson is trying very, very hard to see to it that New Hampshire would accept funding under Goals 2000 in its current form.

Candidly, I agree with Representative Larson that there are no strings attached which are intrusive and that, if you take a look at other Federal funding for the disadvantaged, for school to work, that it is not unusual to have some articulation of standards. But notwithstanding all of that, let us see if we cannot move ahead and find a way to accommodate those who may have a contrary view.

The PRESIDING OFFICER. Under a previous order, time is limited to 5 minutes and time has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent to be permitted to proceed for 2 additional minutes.

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

Mr. SPECTER. I thank the Chair. Mr. President, stated very briefly, and the statement which was submitted yesterday will amplify these comments, this legislation will eliminate the requirement that the Secretary of Education approve and review State plans. Secretary Riley has been very accommodating and cooperative. He has expressed some concerns about this legislation. There may be others who will have concerns, others who were involved in the original Goals 2000 legislation, and we will make an effort to work with them on those concerns.

As a result of a public meeting which I participated in at Nashua High School back on September 9, an interesting thought was advanced, and that is to have funds go directly to local school boards for those States which decline to accept Goals 2000 funds.

Mr. Ovide Lamontagne, the chairman of the New Hampshire State Board of Education, thought that was an idea which would be acceptable. I am not suggesting that he made a final commitment to it, but at least from his point of view, it had merit subject to the power of the State to intervene if something extraordinary was done which was contrary to the State's views.

So, Mr. President, I urge my colleagues to take a look at the legislation as a way to amend Goals 2000, as a way of seeking an adjustment and accommodation with the House on the appropriations process and encouraging States which are not now entering into compliance with the ultimate view that we have to better the education of school children in America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WORK FORCE DEVELOPMENT ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 143, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 143) to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kassebaum amendment No. 2885, in the nature of a substitute.

Ashcroft amendment No. 2893 (to amendment No. 2885), to establish a requirement that individuals submit to drug tests, and to ensure that applicants and participants make full use of benefits extended through work force employment activities.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the pending Ashcroft amendment be set aside for the consideration of the amendment being offered by Senator SPECTER and Senator SIMON.

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

AMENDMENT NO. 2894 TO AMENDMENT NO. 2885

(Purpose: To maintain a national Job Corps Program, carried out in partnership with States and communities)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SIMON, Mr. HATCH, and Mr. JOHNSTON, proposes an amendment numbered 2894 to amendment No. 2885.

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

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

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

Mr. SPECTER. Mr. President, in the interest of time—and I understand my distinguished cosponsor, Senator SIMON, will be arriving in the Chamber shortly—I will proceed with some of the opening considerations.

This is a carefully crafted amendment which builds upon the work of the distinguished chairman of the committee, Senator KASSEBAUM. It is responsive to concerns raised by the General Accounting Office to maintain the Job Corps Program in its current structural form with reforms addressing many of the needs identified by Senator KASSEBAUM and the GAO report.

In my capacity as chairman of the appropriations subcommittee which has the responsibility for funding Job Corps, I have been intimately familiar with the operation of Job Corps. During the 15 years that I have been in the U.S. Senate, I have been an advocate for its implementation and have worked to secure funding of almost $1.1 billion for the program.

It is my view, after seeing the application of the Job Corps in my home State of Pennsylvania and in other States, after working assiduously with my former colleague, Senator Heinz, for the opening of a major Job Corps center in Pittsburgh and having seen the successful implementation of the other three Job Corps centers in Pennsylvania, that the current requirements operating as a Federal program ought to be maintained.

I appreciate the general concept of block grants, but it is a concern of mine that we may be going too far on

the block grant concept at the outset, especially at a time when we have given the States great authority on welfare reform. To lump the funds for Job Corps with the other block grants which are being given to the States, in my judgment, is an open invitation to have these very important funds on job training diverted to other purposes.

There is no question about the need for a well-trained American work force, and there is no question about the importance of people having the ability to find jobs. If there is one core answer for the problems of crime, it is that people are able to hold a job and support themselves. I have long been interested in providing early intervention including education, job training, and realistic rehabilitation for juveniles and for first-time offenders. I believe that Job Corps goes a long way toward achieving that objective.

The legislation Senator SIMON and I have crafted and introduced here incorporates many of, if not most of, the remedies which have been proposed by Senator KASSEBAUM, such the provision regarding zero tolerance on drugs, alcohol, and violence. We have also responded to integrating the Job Corps into the overall work force development scheme, which is part of Senator KASSEBAUM's legislation.

This amendment works on issues identified by Senator KASSEBAUM, by strengthening State and local ties to the Job Corps, and by requiring that any plans to operate a center be submitted to the Governor for comment and review prior to submission to the Secretary of Labor. This allows for the integration of local interests of the Governor, but not total discretion to abolish the Job Corps or to abolish the great strides which have been made in so many Job Corps centers.

The amendment also requires screening and selection procedures for participating at-risk youth to be implemented through local partnerships and community organizations with the local work force development corps and one-stop career centers, again being responsive to concerns raised by Senator KASSEBAUM.

The Specter-Simon amendment relies on Chairman KASSEBAUM's national audit approach, but we submit that measure calls for the closing of five poorly performing centers by September 30, 1997, and five more by September 30 of the year 2000. We do allow discretion to the Secretary of Labor regarding this important provision which will allow him to close additional centers after an appropriate audit.

In essence, Mr. President, what we are looking at here is very extensive work done by the Committee on Labor and Human Resources under the direction of my distinguished colleague from Kansas. The GAO has identified certain problems which this Senator acknowledges to be true. But in the context of block grants being made this year beyond welfare such as with Medicaid, it is my judgment and the judgment of the other cosponsors, and I think a large part of the Senate, that we ought not go too far too fast.

The Job Corps has been an effective program that ought to be corrected, but we ought not allow the States to abolish the program at their own discretion. I have total confidence in my State of Pennsylvania. However, there are other States where that kind of confidence does not exist.

Now, Mr. President, without really trying to filibuster or speak at any undue length, I note the arrival of my distinguished colleague, Senator SIMON. However, first I yield to my distinguished colleague from Utah, Senator HATCH, 4 minutes.

Mr. HATCH. Thank you. Mr. President, I rise in support of the amendment offered by my colleagues, Senators SPECTER and SIMON, to maintain the Job Corps as a national program.

Now I have to say that I understand what the distinguished Senator from Kansas is trying to do and I generally support her on this bill.

With regard to Job Corps, I really do not believe it can work unless it is a national program, because much of the Job Corps Program depends upon the in-resident training. People coming to the actual Job Corps centers, living there, many of these kids culturally deprived, economically deprived, child abuse, kids that are in real trouble. This is the only program that works or that we have, in essence, for hard-core unemployed youth, and it does work. It is expensive. On the other hand, not nearly as expensive as if these kids wind up on welfare or wind up in the drug culture or wind up in the criminal culture of our society.

As my colleagues know, Utah is the home of two outstanding Job Corps centers. Wever Basin is a conservation center that is consistently rated in the top 10 centers; Clearfield Jobs Corps Center is run under contract by the Management Training Corps of Ogden, UT, which has a long and stellar history of managing Job Corps programs throughout the United States and has been named contractor of the year by the Labor Department. We are very proud of Utah's contribution to the Job Corps Program.

The Job Corps itself is unique. It is unlike education and training programs offered under the Job Training Partnership Act which I helped to author, the Carl Perkins Vocational Act, which I also worked on, or any other Federal initiative. First of all, it is geared to those young people who have failed in traditional settings and whose traditional support systems and often their own families have failed them.

Second, the Job Corps is primarily, as I said, a residential program. It is designed specifically to get these young people out of the streets, off the streets, and out of harm's way, away from the influences of gangs and drugs and violence. Job Corps centers can provide clean, structured, positive, environments, and they do.

For many young people, it makes little sense for them to spend 8 hours a day in a constructive learning situation only to return at 5 p.m. to abusive homes, pressure from unenlightened peers, or the temptations of drugs and alcohol.

Frankly, it would be hard for me to support the Job Corps if it were only another job training program. I think I would have great difficulty. I cannot justify $1 billion to duplicate something that States and local governments are already doing.

On that score, I think the Senator from Kansas is absolutely right. We need consolidation, and we need more State and local flexibility.

We learned during last year's debate on the crime bill we have over 150 separate job training and youth development programs, all having differing sets of regulations, reporting requirements, and so forth.

That is a waste of bureaucracy, pure and simple. I want to commend the Labor and Human Resources Committee for putting together this bill to do something about it. This is a commonsense solution to the proliferation of programs and to the needless expenditure of time and resources just to keep up with the paperwork.

But the Job Corps is not just another program. Its residential capability makes it different, and I believe the current national administration of Job Corps is necessary to promote both continuity and accountability. For that reason, I support the Specter-Simon amendment.

Another reason for supporting this amendment is it deals honestly and forthrightly with some of the legitimate criticisms that have been raised about Job Corps.

Again, I commend Senator KASSEBAUM for holding thorough oversight hearings on the Job Corps. The results of these hearings as well as the reports from the General Accounting Office and the Labor Department inspector general have identified specific areas in which Job Corps must improve.

No program should be immune from congressional inquiry. Any program that is doing its job effectively should welcome such hearings. Should this amendment carry, I encourage the Labor Department to continue its scrutiny of the program in its efforts to improve the identified areas.

Those of us who support this amendment to maintain Job Corps as a national program need to make it clear that this is not a hands-off Job Corps vote or license for business as usual. On the contrary, if Job Corps remains a national program, it remains subject

to national oversight, including continual progress reports by the GAO and the Labor Department inspector general.

In this case, however, the way to address these issues is not throwing the baby out with the bath water. The Specter-Simon amendment makes many important reforms in the Job Corps.

For starters, the amendment ties the Job Corps more closely to the integrated job training system being created by S. 143. This only makes sense. Without making Job Corps a State program, we can make sure that Job Corps programs are coordinated with other State and local efforts. We can also utilize the one-stop career centers to make the Job Corps option more available to young people who could benefit from it.

Again, I want to thank Senators SPECTER and SIMON for providing more input for State Governors on this amendment. I believe this change will not only solidify cooperation, but will also be an additional check on Job Corps contractors.

I am also encouraged by the codification of Job Corps' guidelines concerning behavior by corps members. The zero-tolerance policy on drugs, alcohol, and violence must be strictly enforced. Of course, it means nothing if it is not.

By including these provisions in this amendment, we are giving congressional weight to the efforts of the Department of Labor and individual Job Corps contractors and center directors to ensure the state of Job Corps centers. Nothing less than the viability of the residential center concept is at stake.

In short, this is a we-mean-business provision. Students who want to turn their lives around should not have to confront the same negative influences in Job Corps as they left on the streets behind them.

Finally, the amendment requires the closure of the 10 worst performing centers. We have too many needs and too little money to continue to prop up consistently poor performing centers. The costs of operating Job Corps centers will continue to go up along with everything else. We must make tough decisions about where to make cuts.

It seems to me that one obvious place to look is the bottom rung of the performance ladder. While I applaud the efforts DOL made to enforce performance standards, there are still centers that have such a long way to go—that it is more economical to close them than to conserve resources to maintain program quality at other centers.

Mr. President, I believe the Specter-Simon amendment is a balanced response to the criticisms that have been raised about the program, as well as desirable of maintaining the Job Corps as a national program. I urge Senators to support the amendment.

Mr. SPECTER. I thank my distinguished colleague from Utah, and inquire how much time remains on our side.

The PRESIDING OFFICER. Ten minutes and thirty seconds remain.

Mr. SPECTER. I yield to my distinguished colleague from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, I thank my colleague from Pennsylvania and I thank him for sponsoring this amendment and I appreciate the comments of Senator HATCH.

Mr. SPECTER. May I inquire of my colleague from Illinois how much time he intends to take? We have had some requests from other Senators.

Mr. SIMON. If my colleague can give me 5 minutes, that will be great.

Mr. SPECTER. Five minutes? Fine.

Mr. SIMON. Mr. President, first of all, we are not talking about the Sunday school class of Our Savior's Lutheran Church at Carbondale, IL. We are talking about a marginal group of young people: 79 percent high school dropouts, 73 percent have never been employed before. While they have problems, they have been improving.

This is the placement rate for the Job Corps. For those who criticize it and say only 36 percent graduate, those figures are also gradually going up. I point out, U.S. News & World Report just came out with the best colleges and universities in the Nation and I notice that Wichita State University, a great school in my colleague's State, had a 30-percent graduation rate. That is not an abysmal rate, when you take a look at what is happening. With the placement rate, it is not only that you get over 70 percent placed in jobs, it is also that 79 percent—interestingly the same percentage; these are high school dropouts—79 percent of the employers speak very highly of these young people who are marginal, who have really been struggling.

In 1991 the National Commission on Children, a bipartisan body of 34 members wrote, "We recommend that the Job Corps component of JTPA be expanded over the next decade"—not cut back, as this will do, without this amendment—"be expanded over the next decade to increase participation from its present level of approximately 62,000 a year to approximately 93,000 a year."

In 1993, the Milton Eisenhower Foundation, commemorating the 25th anniversary of the National Advisory Commission on Civil Disorders—listen to what they have to say, the Milton Eisenhower foundation.

Next to Head Start, the Job Corps appears to be the second most successful across-the-board American prevention program ever created for high-risk kids.

What we are being asked to do is automatically cut back on 25 Job Corps centers and then block grant. There are areas where block grants make sense, but this is sure not one of them. Most States have no experience whatsoever in this field. Here we know we have a program that is working, is being commended by a great many people.

I will have printed in the RECORD a letter signed by Peter Brennan, Secretary of Labor under the Nixon administration, Dick Schubert, Deputy Secretary of Labor under both the Nixon and Ford administration, Bill Usery, Secretary of Labor under the Ford administration, Ray Marshall, Secretary of Labor under the Carter administration, Frank C. Casillas, Assistant Secretary of Labor under the Reagan administration, Malcolm Lovell Jr., Assistant Secretary for Manpower under the Nixon administration, and Under Secretary of Labor under the Reagan administration, Roger Semarad, Assistant Secretary of Labor under the Reagan administration—all them saying we ought to keep the Job Corps.

I ask unanimous consent to have that printed in the RECORD at this point.

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

[From the Washington Times, Letters to the Editor]

KILLING JOB CORPS WILL PUT YOUNG AT JEOPARDY

Job Corps is our country's successful national residential, educational and job-training program for at-risk youth. The Workplace Development Act (S.143) puts Job Corps' future, and the young people it serves, in jeopardy.

If passed, it will close 25 centers and turn over operations of this most comprehensive program to the states. In 30 years, no state has successfully operated such a program. The legislation ignores Job Corps' solid track record and poses a risky alternative.

This bill, which was amended to the welfare reform bill (H.R.4) is in sharp contract to all other proposed consolidation recommendations.

Four million young people in the United States need of basic education, job skills and job-placement assistance only Job Corps offers. Most youths who enroll in Job Corps have inadequate education. Most do not have the skills or attitudes needed to find and keep good jobs. All are from poor families.

As the largest, most comprehensive and cost-effective program of its kind, Job Corps is a solution for disadvantaged youths between the ages of 16 and 24. Seven out of 10 graduates enter jobs or pursue further education. Job Corps should remain a national program because it works, is accessible, cost-efficient, accountable and helps communities.

The American public, Congress and the Clinton administration should be proud of Job Corps. We implore the members of Congress from other sides of the aisle to continue support for Job Corps as a distinct national program.

PETER J. BRENNAN,
Secretary of Labor, Nixon Administration, New York.

DICK SHUBERT,
Deputy Secretary of Labor, Nixon/Ford Administration, Washington.

W.J. USERY, Jr.,
Secretary of Labor, Ford Administration, Washington.
RAY MARSHALL,
Secretary of Labor, Carter Administration, Austin, TX.
FRANK C. CASILLAS,
Assistant Secretary of Labor, Reagan Administration, Chicago.
MALCOLM R. LOVELL JR.,
Assistant Secretary for Manpower, Nixon Administration, Under Secretary of Labor, Reagan Administration, Washington.
ROGER SEMARAD,
Assistant Secretary of Labor, Reagan Administration, Leesburg, VA.

Mr. SIMON. Mr. President, I think the evidence is just overwhelming that we should not put the Job Corps on the chopping block. This is a program that has some difficulties because you are dealing with marginal young people, but it works. And when we have a program that works we ought to be expanding it and not cutting back on it.

I urge my colleagues to accept the amendment that Senator SPECTER and I have introduced. I think it is in the national interest.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield 7 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today very reluctantly to oppose the amendment from my friends from Pennsylvania and Illinois and Utah. I say reluctantly because I totally agree with their objectives and I totally agree with their analysis of what is one of the gravest problems this country faces and that is the growing number of young people in this country who are literally growing up in a society that is separate from the rest of us.

Someone has come up with the term "at-risk youth." You see these at-risk youth when you go into a Job Corps center site, as I have in Dayton, OH, or in Cincinnati or in Cleveland. You talk to these kids—really not kids, young adults—and you find they have grown up in a family where there is one parent, that one parent may be an alcoholic or drug addict, where no one in the family has worked for years—where no one has in the neighborhood, really. They do not seem to know anybody in the neighborhood who has worked. That is not true in every case, but it is not atypical.

The thing we have to keep in mind, though, is when we go into a Job Corps site and see these young people, for every one you see in a Job Corps site there are 10, 100, maybe 1,000, maybe 10,000 more out there in every one of our States, so we are just seeing a small number of these individuals.

So I applaud the purpose of this amendment but I differ in the approach. We looked at this issue at length in the Labor Committee. The committee adopted an amendment that I offered that ensures that approximately 40 percent of the money that will be spent at the State level will be spent for these at-risk youth and that we will not allow the States to cream off the top, to just help those young people who are between jobs, to help just those in the middle class, but that the States will be required—the total package provides $2.1 billion that has to be spent on the at-risk youth.

Now we move to the question how do we spend this money the most effectively? There are those who look at Job Corps and say, "Do away with it." They cite the statistics of crime, drug abuse, lack of any definable results or quantitative results. There are others who say very eloquently, "The Job Corps does work and we have to have a residential facility." I believe the Senator from Kansas, who chairs our committee, has come up with a very rational compromise and it is a middle position. It is a position, I believe, that marries the best of both worlds.

What does it do? It says we understand there are problems with the Job Corps. We are going to try to fix those. It says, of the 111 or so Job Corps sites—we have eight more coming on, that makes 119—we are going to take 25, the worst, in an objective measure, and those will be eliminated. But the rest will stay in existence.

I want Members who are listening back in their offices to keep this in mind. They will continue and they will continue under the authority and the power of the States. Any State that might lose a Job Corps site—25. For example, let us say Ohio might lose one. It may. I do not know. But that money would continue to flow to the State and that money would have to be spent for at-risk youth. It could not be creamed off. It could not be used by the State for any other purpose but to target this at-risk youth. That, to me, is very, very significant.

I think it is important to point out exactly where this bill stands now. As a result of the amendment that I offered and other changes that were made, and the good work of the chairman, the Workforce Development Act now targets $2.1 billion of the funding on Jobs Corps and other education and training programs directly on the problems of at-risk youth.

States have to spend roughly 40 percent of job training dollars in this bill on the at-risk youth problem. They cannot cream off the easy part for the job training problem. They have to tackle the tough cases.

The bill provides us a framework based initially on a residential concept for Job Corps. But it requires that a major portion of this money be targeted at this at-risk youth population.

I believe that this legislation now represents a rational compromise. In this compromise, States must target the at-risk youth population. But along with this requirement, or mandate, they are given flexibility—flexibility that I think is essential if we are to empower the States and to encourage the States to develop a full-fledged program for at-risk youth.

States should not be in a position to turn and say, "Well, the at-risk youth is the Federal Government's problem. The at-risk youth is what we have Job Corps for." I do not think so. I think it is much better if it is integrated to the State's entire program to deal with all of the at-risk youth in the State.

This compromise keeps most Job Corps centers in place. But it shifts control of the centers to the States to promote a greater focus on local jobs. The goal of the compromise is to make sure States see helping at-risk youth as an integral, very significant part of their mission.

The specific issue of the future of the Job Corps Program is of great concern to myself and my colleague from Pennsylvania and other Members on the floor. Some people, as I said, want to abolish Job Corps. Some want to keep it with the status quo and make some minor changes. I believe the compromise that we have come up with will actually rescue Job Corps and start it down the path of truly fixing it.

It is clear that many of these at-risk youth that I have talked about will continue to need the kind of residential education that Job Corps provides. I think we need to keep that option open. That is why Job Corps was not abolished in this compromise. That is why the Labor Committee bill provides for a great deal of flexibility in how this fund for at-risk youth will be used. Indeed, the bill cures what has been one of the major complaints about the Job Corps program in the past—the fact that Job Corps is a nationally administered program that does not respond to the needs of the local labor markets. I will come back to that in a moment.

One of the key insights into a recent American political discourse is that we need to rebuild the sense of community. My friend from Indiana, Senator COATS, has talked about that. He has spoken eloquently on the need to rebuild the ties that make for a successful civil society.

But let us look at a typical Job Corps experience. A young woman or young man from Detroit, MI, may be sent to a Job Corps Center in Dayton, OH, and that Job Corps Center in Dayton, OH, may be run by a contractor from Utah. Then when that young man or that young woman goes out to find a job, the agency that is charged with helping that person find a job may be based in Atlanta, GA. You lose the sense of community which I think most people truly understand is essential if the person in the Job Corps is not only going

to be trained but if they are going to have a real job afterward, 6 months or 12 months later, because that is the true test of whether it works or not.

The problem with the current system is that very few people involved in this process have any real ties to the local community or to the particular young adult being trained.

This is an extremely disjointed process, not a focused, locally oriented approach. More often than not, the young person does not remain in the community where a Job Corps center is. The person quite naturally tends to go home. I think a truly successful Job Corps Program should look at that young person not just as another client who is shipped somewhere, but as a member of the local community.

That is why streamlining the job training program into block grants to the States is how we have done it in this bill. We have also decided to shift the Job Corps Program to the States. There is a much greater chance that Job Corps will succeed in rescuing an at-risk youth if that program is tapped into a local community—local youth, local employers, and local jobs. The Job Corps needs to be part of a focused, comprehensive, locally oriented system. I think that is very, very important.

So let me conclude by saying, Mr. President, that everyone on this floor—as I look around at all the Members—has a great concern about at-risk youth. The only issue today is how we best serve these at-risk youth.

I believe that the continuation of Job Corps—and an improved Job Corps providing for residential services but integrated into a State system—is really the only way that we can go. It is a rational approach. It is a rational compromise. I think it has a much greater chance of success than continuing the current system.

So, I ask my colleagues—again, I say this quite reluctantly—to defeat this amendment and assure them that when they look at this bill they will find it is a bill that has considered at-risk youth, and not only has considered at-risk youth but has put a star behind that term, and say we care, we care about the at-risk youth in this society, and that this Congress, this Senate, is not going to forget about them but, even more importantly, the States are not either.

Thank you very much, Mr. President.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

The PRESIDING OFFICER. Twelve minutes and thirty seconds.

Mr. SPECTER. I yield 3 minutes to my distinguished colleague from Rhode Island with whom I served for many years on the authorizing committee, and who knows the subject very well.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my colleague.

Mr. President, when the subject of Job Corps was being discussed on the Senate floor at an earlier time, I spoke about solutions to,

> The important problems and challenges facing our young people: the need for originality and new ideas; the need for knowledge to combat ignorance; and, above all, the need for broadening the horizons for youth, so that each young man and young woman in the United States can develop the best of his or her talents in a climate of maximum opportunity.

I delivered those remarks in March 1964 during debate on President Johnson's poverty program, which created, among others, the Job Corps Program. Thirty-one years later, the problems and challenges are surprisingly, and unfortunately, the same. I doubt any of my colleagues would disagree with the importance of allowing our young people to develop to the best of their ability.

For many, colleges and universities are the places they go to develop their talents; still others find vocational schools or service in our Armed Forces to be the place. Regrettably, Mr. President, there remain some young men and women who do not even know what their talent is.

They are referred to as poverty youth. In reality, they are young Americans who, through no fault of their own, lack the skills needed to get an education or find a job.

It is for these people that Job Corps was created, has flourished, and must continue. It is just as important today as it was 34 years ago to do all we can to look for new ideas to old problems; to replace ignorance with knowledge; and most important, allow all of our young people, no matter who they are, where they live, or how much they make, to discover their special talent and go on to develop that talent.

This is why I am a cosponsor of and will vote for the Simon-Specter amendment. I am pleased the amendment calls for a review and closing of any centers that are not serving their students. I am also pleased about the strong emphasis the amendment places on community involvement. The hearings held by the Senate Labor and Human Resources Committee certainly pointed out the strong, positive impact an involved community can have on the success of a Job Corps Center. Most important, I am pleased that the Simon-Specter amendment keeps the Job Corps Program as a national program. This, I feel, is vital.

My only lingering regret, Mr. President, is that my own State of Rhode Island is one of four States which so far does not have a Job Corps Center of its own. I continue to hope that this omission can be addressed in the context of strengthening and improving the program.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I would like to yield 7 minutes to the Senator from Nebraska.

Mr. KERREY. Mr. President, I rise in opposition to this amendment. I believe the intent to preserve the Job Corps is a good intent. The Job Corps in the main has been a program that has had a substantial amount of success. However, the purpose of S. 143, of this piece of legislation, is to give not just the States more flexibility but provide, for the first time, taxpayers with a real system of accountability, requiring States to develop a plan, present benchmarks for that plan and suffer monetary penalties if they do not meet the objectives under the plan.

This says we are not just going to block grant money back to the States and allow them to willy-nilly spend the money. This legislation creates, for the first time, an accountable system and allows Governors and people in the States to preserve their Job Corps Program, but it says that we are going to transfer primary responsibility for any Job Corps Center to the State in which the Job Corps Center is located.

States rather than the Federal Government under this legislation, we believe, are in the best position to manage and operate these centers and, most important, to integrate them with their statewide work force development system.

I would actually make the case that this is a good area for us to begin to consider what kind of swaps we might be able to work with the States entirely. We are not only talking about giving the States responsibility. We are collecting a lot of taxpayer money here and shipping it back to the States to do a function that I believe is largely something that the States do better than the Federal Government anyway, which is to work with small business, to work with big business, to work with educational institutions to try to develop programs that will help individuals acquire skills they need to either get in the work force for the first time, which is typically what Job Corps does, or to acquire the skills to enable them to move up the economic ladder.

I actually would love to get into a debate, into a discussion as we talk about shifting more power back to the States about whether we want to not just shift power back to the States but whether we want to shift all funding responsibilities. I think it was a mistake for us to block grant, for example, Medicaid and give Medicaid back to the States under a block grant program. I did not support the welfare bill because I do not think income maintenance programs can be run by the States. But some kind of a swap as we are trying to decide what does the Federal Government do well and what do the States do well it seems to me to be appropriate

rather than just assuming that everything ought to be shifted back to the States.

Some things the Federal Government does quite well. One of them, however, Mr. President, I do not believe is in the area of job training and economic development. There I believe very strongly the States should be given the principal responsibility and be given not just flexibility but as long as they are asking us for tax dollars that we on behalf of our taxpayers need to hold them accountable for what is going on.

Again, this legislation, S. 143, as I said yesterday when I spoke on it, is one of the very small number—in fact, I only have two on my list right at the moment—of changes in the law where I am certain a couple of years from now people on the street in Nebraska are going to come up and say, "You know, that work force development legislation, I have a job today because of that. I am earning $5,000 more a year because of that. My family survived as a consequence of that legislation."

This piece of legislation will produce real change that people will appreciate at the local level, where they are asking increasingly, what is this Congress all about? What are you doing that is relevant to our lives?

The other one, I point out again for emphasis, is S. 1128, the health insurance reform legislation. Mr. President, 25 million Americans will benefit if we end the practice of excluding people on the basis of preexisting conditions and allow people to port their insurance from one job to another.

Last year, in the debate over health care, it seemed no one was for that, and this year it has become popular to suggest it; 25 million Americans benefit from that. Again, by coincidence, it is sponsored by the Senator from Kansas and the Senator from Massachusetts. S. 143, like S. 1128, will enable you in townhall meetings to have people stand up and say: This one made a difference in my life. My family is stronger; my income is higher; I have that job; I have adjusted to the marketplace; I have skills and am able to do things I was not able to do before.

So those who are wondering whether or not you are voting against Job Corps, you are not voting against Job Corps by voting against this amendment. Job Corps is still alive under S. 143. We do not kill Job Corps with this proposal.

I have a letter—I suspect all my colleagues do—with a very impressive list of many of my friends here in Washington, DC, advocacy groups urging me to vote for this amendment. I will vote against this amendment and say to my friends and those at-risk youths I believe the States will in fact do a much better job.

We have a Job Corps facility in Nebraska. My guess is my Governor is going to say it does a good job; they are going to integrate it into their plan; they are not going to shut down the Job Corps Program in Crawford, NE, but they are going to integrate it into their development program. If it fails to do the job, Mr. President, they will know that they cannot come back to Washington and have the Congress bail them out. They will know if they do not do the job, they will have to turn to their legislature and their own Governor and try to make a losing program still get funding by the taxpayers.

So I believe this amendment should be defeated because I think it actually undercuts long-term the support for the Job Corps Program. It is much more likely that this particular piece of legislation does the right kind of empowering, does empower people at the local level, empowers small business to participate in economic development markets, enables us to turn to taxpayers and say these 90 different job training programs have been consolidated into one and we have tough requirements for benchmarking and tough requirements for standards. You know that you are going to get your money's worth in this program and much more likely that taxpayers will be satisfied as well.

Perhaps most important for me, S. 143 is going to empower people at the local level to get involved, trying to figure out what we can do to make sure that half of the graduating class that goes directly into the work force has the skills that the market says they need in order to get a job.

Increasingly, I talk to citizens who say: We are cut out of it; we do not seem to have much power, much opportunity. We try to get to our school boards to get help but we are not able to.

Mr. President, I request 2 additional minutes.

Mrs. KASSEBAUM. I yield the Senator 2 minutes.

Mr. KERREY. I say in conclusion, Mr. President, I think the amendment is well intended and I understand there is strong support for the Jobs Corps. I have been a strong supporter of Job Corps as well. But it is much more likely to survive if the taxpayers say: We are getting our money's worth if it is integrated into the State plan for job training and economic development.

So I hope my colleagues who support Job Corps will oppose this amendment and make sure that S. 143 does in fact empower the people at the local level.

Mr. SPECTER. Will my colleague yield for a question on my time?

I just have one very brief question. I inquire of my colleague from Nebraska if he would see a difference between the Job Corps in a State like Nebraska, administered by a Governor like Governor KERREY, or a State like Ohio, by my distinguished colleague, Senator DEWINE, compared to some of the other States in the United States where with a block grant we might not be so confident that we have Job Corps maintained?

Mr. KERREY. It is entirely possible that you are going to get situations where Governors are less friendly to the Job Corps than I would be or he might be, I say to the Senator from Pennsylvania, but one of the things that I have a difficult time with in general when it comes to Federal programs is people at the local level say: We know this thing is not working but the power to determine whether it survives reverts back to Washington.

And again I wish to say for emphasis there are some things that I do not want to shift to the States. I do not want to shift income maintenance to the States. I do not want to shift Medicaid to the States. I would like to empower people to make more decisions when it comes to health care, empower them to make more decisions. I do not want the Federal bureaucracies to control all the decisions, but when it comes to job training and economic development I really see it as a State role.

I would love to get into a discussion of how we get a swap with the States taking over things that are Federal responsibilities but saying to them where it is a State responsibility, you are going to be required to come up with your own money.

I would say to the Senator from Pennsylvania as well——

The PRESIDING OFFICER. The time has expired.

Mr. KERREY. I know from my own State of Nebraska, when people campaign for the office of Governor—I suspect it is similar to Pennsylvania—the No. 1 question they have to answer is, What are you going to do to create jobs?

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

Mr. KERREY. Economic development is so important, no Governor is going to get away with shutting down a Job Corps center that is doing a good job.

Mr. SPECTER. I ask unanimous consent that Senator HARKIN be added as a cosponsor.

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

Mr. KENNEDY. Mr. President, I would like to yield myself 7 minutes on the bill. And then I will yield 5 minutes on the bill to the Senator from Iowa.

I want to speak in support of the amendment. I must say I was in such agreement with my good friend, Senator KERREY, yesterday, and I am at difference with him today. We are talking about the same subject matters. But I very much appreciate his longstanding interest in terms of the training programs that have been developed out of the Human Resources Committee under the leadership of Senator KASSEBAUM.

I want to also pay tribute to Senator DEWINE, although I differ with him on this issue as well. He has spent an enormous amount of time as a Lieutenant Governor and in our committee in working across the partisan lines to bring focus and attention to at-risk youth in this country and has made it one of his priorities. I think all of us that care about the issue of at-risk youth are very much in his debt at this time and look forward to working with him down the road on other ways that we can be more effective.

Mr. President, I urge the Senate to support the Job Corps amendment. The committee bill on this issue is a classic case of throwing out the baby with the bathwater. I strongly support the basic purpose of the bill, which is to consolidate the current overlapping and often confusing array of Federal job training and job education programs. But it makes no sense to eliminate the Job Corps, which is a program that is not broken and does not need this kind of fixing. The Job Corps is a Federal program that works, and it deserves to remain a Federal program. It works extremely effectively to bring hope and opportunity into the lives of tens of thousands of disadvantaged young men and women every year. And it works extremely cost effectively as well.

A study in the 1980's found that the Job Corps saves $1.46 in future costs for crime and welfare for every $1 invested in the program. And there have been more than 200 IG reviews of the Job Corps Program, and they have been overwhelmingly in support of the Job Corps Program over the period of these last 30 years.

I will just quote briefly the IG report of 1991 where it says, "85 percent of the investment in Job Corps resulted in participants receiving measurable benefits." The GAO report of 1995: "Job Corps is serving its intended population. Employers who hire Job Corps students were satisfied with the students' work habits and technical training."

Mr. President, the Job Corps has its problems, like any social program, dealing with the difficult challenges of assisting disadvantaged youth and helping them to become productive and responsible citizens. We can deal with the program's problems. No one is trying to sweep them under the rug. But it would be very wrong and highly counterproductive to use these problems as a pretext to turn the entire Job Corps over to the States and abandon the many positive features that far outweigh the problems in this innovative Federal program.

Any fair assessment of the Job Corps demonstrates its success. The Job Corps is a unique residential program that provides education and training for at-risk youth. It is national in scope. A third of Job Corps participants are enrolled in centers outside their own States. That means Job Corps can offer a real choice to young men and women about the kind of careers they want. If the Job Corps center in their State does not provide that kind of training, they can enroll in a center in another State that does. If we fragment this national focus and turn the Job Corps into 50 separate programs, at the option of each State, the obvious advantage of this impressive national capability will be lost.

There is no question that Job Corps has succeeded in fulfilling its mission. In 1994, 73 percent of all the Job Corps participants were placed in jobs, joined the military, or went on to some form of further education. I will point out, in response to points that were made earlier about the issues of accountability for the Job Corps that included in the Specter-Simon amendment, there are required evaluations which look at placement rates, verified after 13 weeks, learning gains, placement wages, dropout rates, enrollees obtaining GED's—all different assessments and evaluations of the programs so that we will have a closer review of the success of the programs and also its challenges.

Finally, there is talk by some opponents of Job Corps of eliminating excessive Federal bureaucracy. The total bureaucracy consists of a grand total of about 190 officials. Some bureaucracy. It should be obvious to everyone that three to four officials per State cannot manage the Job Corps if we turn the program over to the States. The committee bill is a prescription for increased Job Corps bureaucracy, not reduced bureaucracy.

For all these reasons I urge the Senate to save the Job Corps. This is a vote for a Federal program that works. It is a vote for hope and jobs and opportunity for young men and women across the country who need our help the most. For them Job Corps is a lifeline. The Senate should preserve it, not cut it off.

Mr. President, I yield 7 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for yielding me this time off the bill. I did want to support the amendment and be a cosponsor of the amendment because I feel so strongly that Job Corps has done an outstanding job. There have been problems. Yes, there have been problems. I believe that we have addressed those problems. I believe this amendment addresses those problems.

But just to arbitrarily close 25 centers around the United States and then to turn this back over to the States with almost no benchmarks at all, I think would be the death knell for Job Corps, and it would be the end of it. Job Corps, as has been stated so many times, I am sure, by people who have spoken on the floor of the Senate here, Job Corps serves our most disadvantaged youth. These are not young people who have gone through high school and gotten good grades, maybe got a job; these are hardcore, unemployed, disadvantaged youths. To close them down would be a big mistake.

Despite the disadvantages of the youths that come into this program, the program has succeeded. The last comprehensive study of Job Corps found each $1 invested returns a $1.46. Last year, 73 percent of Job Corps students found jobs or entered higher education after leaving the centers. I challenge any State-run job training program to match that kind of figure. You cannot find it anywhere—73 percent. Now, they may place them, but in the Job Corps center that we have in Iowa, 95 percent of those found jobs with an average hourly wage of $6.20 an hour, and not minimum wage, more than minimum wage.

We have a Job Corps center in Denison, IA. I have to tell you, Mr. President, when this thing first started in Iowa, the Job Corps center, they took over an old junior college that had gone under. When it first started in Denison—Denison is a small community, community of about 6,700 people—when they thought about this Job Corps center there and they were going to bring these inner-city kids in and kids who had been on drugs, there was a public outcry, and it just about did not succeed in being located in Denison.

Finally, some cooler heads prevailed. They opened it up. And I can tell you, Mr. President, it has so much support in Denison and the surrounding countryside you cannot believe it. I know my friend from Nebraska was saying that we have got to get more local level involvement. You cannot get more local level involvement than what you have in the Denison, IA, Job Corps Center and, I daresay, a lot of other Job Corps centers around the country because they work closely with businesses in the community.

They are taught by people with skills in different occupations. They go out and work among people, so they get to understand what it is like to be in the work force. And the people in the Denison area have supported it overwhelmingly since it has come in. Five hundred kids a year go through there. And I might add it is one of the handful of centers that provides child care for students.

The child development center there opened in 1993. It allows parents to keep their children with them while they are enrolled in training programs. So a young mother, maybe with one or two kids, can come there, go through the program and keep her children with her. Children from 6 months to 2 years are in a developmental child care program. And at the Denison Job Corps Center, for children 3 to 5, we have a Head Start Program.

So, again, it is fully integrated with developmental for early childhood, Head Start, and allow these kids to stay there with their parents.

As I said, Job Corps in Denison is the third largest employer. It has 121 full-time employees and a $3.4 million annual payroll. And the center gives back to the community. It makes civic contributions. They built a new press box at the high school athletic field. The kids went out and built it. They contributed to the community. They built a new stage for the Donna Reed Performing Arts Festival that we have annually to commemorate the hometown of Donna Reed.

So, again—I do not know—when I hear people say that we need more local involvement, you cannot get more local involvement than what we have in the Job Corps Center in Denison, IA. We talk about turning it back to the States so they do not come to the Federal Government when they get in trouble. The fact is, under the bill, if you turn it back to the States with almost no benchmarks, they would not run to the Federal Government because there is nothing for them to meet.

But under the amendment, we set up benchmarks, we set up strict guidelines on drug usage and that type of thing, and we make sure that they meet certain stringent guidelines. So we have, I believe, addressed the problems that we have confronted in some Job Corps centers.

I am not going to stand here and say every Job Corps center has been the epitome of correctness and that they have been run right. But to just take a blunt meat-ax approach and cut them out is, I believe, the wrong way to go. I believe this amendment is the right way to go. It solves the problems. It keeps the centers going. It, indeed, closes 10, but not the 25, and it sets up the strict guidelines we need to make sure we do not have these problems in the future.

I urge those who want to make sure that we instill in these young people family values and a work ethic so they can get out of the environment they are in and put them in a new work environment in a community, you cannot beat the Job Corps for what they are doing. It is one of the best investments we have ever made. I certainly hope we do not do away with it, and I support the amendment wholeheartedly.

Mr. McCONNELL. Mr. President, if the distinguished sponsor of the bill, Senator KASSEBAUM, would yield, I would like to ask her a few questions about the impact this bill would have on Kentucky. Would the Senator yield for some questions?

Mrs. KASSEBAUM. Yes, I would be happy to yield.

Mr. McCONNELL. Our State has six Job Corps Centers. These centers currently receive a total of approximately $51 million annually to operate. Does this bill target any of the Kentucky facilities for closure?

Mrs. KASSEBAUM. This bill does not target any particular facility, in Kentucky or elsewhere, for closure.

Mr. McCONNELL. The bill does provide that 25 centers will be closed over a 2-year period. How will the decisions on closure be made.

Mrs. KASSEBAUM. The bill mandates that there be a national audit, over a 2-year period, of all Job Corps Centers, and that the national board make recommendations, based on objective performance criteria, to the Secretary of Labor. The national board will recommend that the 10 worst performing centers be closed in the first year after the audit, and that 15 additional poorly performing centers be closed in the following year.

Mr. McCONNELL. Will particular States, for example, with a disproportionate number of centers compared to the State's population, be targeted for closures?

Mrs. KASSEBAUM. No, there is no national formula established in this bill, based on geographic or population considerations. For allocating Job Corps funds, the only factors will be performance related. In fact, section 161(c) specifically provides that each State will continue to receive the same amount of funds for Job Corps even if any of the States' centers are closed. In that case, the State could then use those funds for other at-risk youth activities.

Among the factors that will be examined to determine the closure of centers are: Whether the center has experienced high incidents of criminal or violent activity; the physical condition of the facility; the degree to which the center has State and local support; and the costs of the center compared to other centers.

Mr. McCONNELL. I thank the Senator from Kansas for her explanation.

Mrs. KASSEBAUM. I appreciate the interest of the Senator from Kentucky in the impact of this bill upon his State. And, I would point out that, in the section of the bill dealing with other training programs, the State of Kentucky, according to the Congressional Research Service, will receive more funds than it currently receives. The reason for this is that the bill alters the funding formula for job training programs, and based on the new formula, Kentucky should receive a 4.2 percent increase in job training funds.

Mr. McCONNELL. I thank the Senator for her assistance.

Mrs. MURRAY. Mr. President, I speak today in support of the Simon-Specter amendment to the Workforce Development Act, which seeks to save one of America's most important programs—Job Corps.

For over three decades, the Job Corps has received bipartisan support and has created a tradition of success. In this time, Job Corps has empowered 1.6 million of America's disadvantaged youth to become responsible, tax-paying citizens.

Job Corps has proved its worth as a time-tested national program for at-risk youth. it is the only program offering a unique combination of residential education, support services, job training, and placement services.

This amendment reflects inspector general and Department of Labor testimony and General Accounting Office data that do not suggest or recommend State block granting as a means to improve Job Corps accountability.

The Workforce Development Act, as it currently exists, would close 25 Job Corps centers, one-fourth of the total Job Corps network. This represents an abandonment of $500 million in Federal facilities and the loss of thousands of jobs. The act would also currently end universal access to Job Corps for students and creates State restrictions for Job Corps programs.

The Specter-Simon amendment takes a much more rational approach to Job Corps consolidation. The amendment would simply close 10 Job Corps centers—5 by 1997 and 5 more by the year 2000, providing weaker performing centers time to improve. It would preserve Job Corps as a national program and protects national partnerships that provide essential support, training and job placement services along with universal access to Job Corps for all eligible at-risk youth, regardless where they reside.

Last year, 73 percent of Job Corps students found jobs with an average wage of $5.50 or returned to higher education after leaving the program. These numbers speak volumes about the success of the Job Corps Program.

Mr. President, I urge my colleagues to seek out Federal programs within each of their States that have proven track records. This is clearly one of those programs that has year-in and year-out provided the necessary direction of millions of disadvantaged young Americans.

I applaud the work of my colleagues—Senators SIMON and SPECTER, for their leadership, which strives to maintain a program so vital in each of our States. I believe this amendment will improve a Job Corps Program already demonstrating continued success.

Mrs. KASSEBAUM. Mr. President, I would like to lay out in some detail why I have reached the conclusion that something is seriously wrong with the Job Corps Program.

I know this program has broad bipartisan support. The Secretary of Labor has called Job Corps the crown jewel of all Federal training programs. We have a Job Corps Center in Kansas, and I initially supported that effort.

I strongly support the concept of a program that truly helps at-risk youth

finish their high school education, obtain marketable job skills and get a job on which they can build a career. But Job Corps, as it is not operated by the Department of Labor, falls far short of delivering on those promises.

For years, Job Corps has claimed it places 80 percent of its participants in jobs, the military, or in higher education. I was surprised to learn, however, that half of the students dropped out in their first 6 months. Despite the fact that more than 50 percent of the students find their own jobs, Job Corps claims the majority of those dropouts as successful placements.

I also learned that Job Corps is by far the most expensive job training program operated by the Federal Government, with a budget of $1.2 billion. That translates to a cost of $23,000 for each student placement, far more than the average State college tuition.

A year ago last June, I asked for a briefing by the Department of Labor inspector general, which has been monitoring Job Corps regularly for the last several years. One of the most troubling of the inspector general's findings was Job Corps' extremely high dropout rates. One-third of new trainees drop out within the first 90 days and, as I said, 50 percent leave within 6 months.

The IG also found that only 12 percent of students were being placed in jobs requiring the skills they learned in the program. The vast majority of jobs found by Job Corps graduates were low-paying, low-skill positions.

The inspector general also questioned Job Corps' claimed placement rate of 80 percent. The IG found the actual number was closer to 60 percent. However, even this number is misleading because a job placement is defined by Job Corps as being on the job for only 20 hours.

In addition to poor performance and high dropout rates, the IG found very little accountability for Job Corps operators. The Department of Labor rarely took action to improve or upgrade centers that performed poorly year after year after year.

The inspector general also told me about an aspect of Job Corps about which, up until that time, I knew very little about. In addition to operating Job Corps Centers, the program also contracts out to employers and labor unions for advanced training programs for Job Corps graduates.

The inspector general examined one of these advanced training programs for computer skills and found the cost to be almost $37,000 per student. Yet, the contractor placed only 9 percent of the students in jobs using the data processing skills they learned in the program.

Almost half of the program's students dropped out and were not placed. Nearly one-fourth of so-called successful placements last less than a year in the job. And yet, Mr. President, this contractor had his contract renewed without competitive bidding.

In fact, none of these advanced training contracts—worth over $40 million—are subject to competitive bidding. Again, we found poor performance and little accountability within Job Corps.

On October 4, 1994, the first oversight hearing in more than a decade on Job Corps was held by the Senate Labor and Human Resources Committee, and then-Chairman KENNEDY, at my request.

The essence of the testimony presented by the Department of Labor was that Job Corps was still an extremely successful program with minor problems. Reports of violence in the centers were dismissed as minor occurrences blown out of proportion.

Yet following the oversight hearing, I began to receive disturbing phone calls and letters from parents, former Job Corps students and Job Corps employees about the violence that existed throughout the program.

On December 13, 1994, Job Corps provided me with information on serious incidents of violence and drug use on Job Corps centers. I was told that 23 homicides were committed by Job Corps students between 1992 and 1994.

For the same period, there were nearly 300 sexual assaults, 993 incidents of violence, and 416 serious drug-related incidents, all taking place at Job Corps centers.

Worst of all, according to Job Corps' own figures, the program admitted 4,520 students with a criminal record, and 9,678 students with a history of psychological or emotional problems.

Mr. President, this flies in the face of the statute, which requires that Job Corps enrollees be screened in order to prevent admission of students who will disrupt the program. It seems this requirement is routinely ignored.

In January of this year, the Labor and Human Resources Committee held two days of oversight hearings to examine performance, accountability and the incidence of violence at Job Corps sites.

Only days before the hearings, a 19-year-old girl was murdered by three other Job Corps students just outside the fence of the Knoxville Job Corps center. The police described the murder as "ritualistic."

Testimony at the hearing confirmed the pervasiveness of violence and lack of discipline throughout the program. The most compelling witnesses were the students themselves. Rhonda Wheeler lasted 10 days at the McKinney Job Corps Center in Texas.

> As for the violence on center, I saw twelve fights in the ten days I was there . . . I went to clerical class because that was one of my choices. Five minutes after I got there, two students started punching each other. Both were bleeding and one student picked up a typewriter and threw it at the other . . . Illegal drugs were rampant at McKinney . . . It was another one of those things that was part of the atmosphere of the place.

Fred Freeman, Jr., a former student at the Woodstock Job Corps center in Maryland, made this statement:

> The second night I got my "blanket party." This was standard treatment for new guys. A blanket party for those not familiar with the term is when you are sleeping in your bunk, somebody suddenly throws a blanket over you, and eight to ten guys take turns punching and kicking you. I told the residential advisor after it happened. He said he would report it, but nothing ever happened.

Two weeks later, Freeman said:

> Someone turned out the lights in the room and I was kicked and punched by him and his buddies. About 20 guys jumped me, and I got kicked from head to toe. After they left, my roommate took me down to the duty officer and they took me to Baltimore County Hospital. I had two cracked ribs and my right temple was swollen up like a balloon . . . No one got disciplined for the incident.

Shortly thereafter, the Knoxville Job Corps center was ordered closed by the Department of Labor. The McKinney Job Corps center was also closed, thanks in no small part to the compelling testimony of the young witnesses before the Committee.

Following the hearings, the Department of Labor agreed to take action to strictly enforce a One-strike-and-you're-out policy on violence and drug use. Job Corps also identified, in conjunction with the inspector general, more than 25 Job Corps centers considered to be problem centers due to violence and consistent low performance.

While the new policy has helped, I am sorry to say the violence continues. About 6 weeks ago, a 20-year-old Job Corps student in Oklahoma was murdered by two of his classmates.

Last June, the General Accounting Office released the results of a study I requested they conduct of Job Corps. These results only reinforced the inspector general's earlier conclusions. Mr. President, I think the title of the report speaks for itself: "High Costs and Mixed Results Raise Questions About Program's Effectiveness."

The GAO reviewed outcomes for nearly 2,500 students terminees from six Job Corps centers. This is some of what they found:

Nearly 70 percent of the students dropped out before completing vocational training. Of the 30-percent who graduated with a job skill, nearly two-thirds found no work or found a low-paying, no skill job.

The percentage of students obtaining jobs that matched their training was only 13 percent. This corroborates the IG's earlier findings. GAO also found that half of the graduates who do get jobs only lasted two months or less at their first job.

Mr. President, I know that Job Corps is circulating information to show that their performance has recently improved. My colleagues should be aware that none of the recent figures have been independently audited, and if

their past records are any indication, Job Corps numbers are unreliable at best, intentionally misleading at worst.

The GAO also found that national training contractors who get paid substantial sums for finding students jobs, accounted for only 3 percent of all job placements. They also questioned the current Job Corps policy of awarding nine major national training contracts—at a cost of $41 million annually—without competitive bidding.

The report also noted that 84 percent of Job Corps vocational training is in construction, a field in which the number of job openings have steadily declined.

Mr. President, why are we spending tens of million of dollars for training for jobs that don't exist? It is little wonder Job Corps' placement rate is so low. We do a great disservice to our youth if we give them the expectation of a job where none really exists.

The inspector general continues to question the improper use of millions of dollars spent by Job Corps contractors, including some of those awarded contracts on a sole source basis.

Some of the costs these contractors claimed were identified by the IG to include: liquor and dry cleaning bills for more than $100,000; travel to China and South America by the president of one group; The son of the contractor's college tuition; $500,000 for an office in Tokyo; $300 a night rooms in resort hotels; and excessive salary increases and bonuses for company executives.

More recently, the inspector general found that Job Corps was forced to write off nearly $1.76 million owed by terminated students during program years 1992 to 1994. The write-offs were partly the result of job placement bonus payments to students which later proved to be nonexistent.

Mr. President, I could go on and on with more facts and figures. But I think the case for reform is clear. Even more compelling than the facts and figures are the complaints I have received from students and staff across the program, as recently as this past weekend.

Let me conclude with an excerpt of a letter I received from a Job Corps recruiter, dated August 1 of this year. He writes:

> I could not morally, ethnically or consciously send my friend's children and community members of Northeastern Wisconsin to these (Job Corps) centers and expect them not to be harmed physically and emotionally. . . .
>
> . . . All in all, the program is very dysfunctional and mismanaged at all levels of operation. It needs to be reorganized. The best way of doing this is to block grant it to the states. Let the states have responsibility for assisting young adults into the program—the states have a stronger commitment in helping become productive and well-rounded individuals. This is not happening under such a mismanaged oversized federal bureaucracy . . .

Mr. President, the amendment of the Senator from Pennsylvania will only perpetuate a national program that has clearly gone awry. I urge my colleagues to support true reform of the Job Corps Program, and reject the Specter amendment.

Mr. DOMENICI. Mr. President, I must reluctantly oppose the Specter amendment. This is clearly a difficult vote for many of us, particularly for those of us who strongly support Job Corps, because I know there will be many who argue that a vote against the Specter amendment represents a vote against the Job Corps Program. I want to make it very clear that my vote should not in any way be interpreted as a lack of support for the Job Corps Program. Quite the contrary is true. I have been a strong supporter of local Job Corps programs, and I believe my vote only reinforces that support.

Job Corps is our Nation's oldest, largest, and most comprehensive residential training and education program for unemployed and undereducated youth. It is also one of the best-loved Federal programs we have in place, and it has had strong bipartisan support over the past three decades. I have heard all the accolades showered on Job Corps here on the floor. I join my fellow Senators in their praises and I share in their endorsement of the program.

However, as Senator KASSEBAUM has pointed out, over the past decade, Job Corps has fallen short of its promise. At any one time, Job Corps serves around 44,000 young men and women at a cost of around $23,000 per individual. That is a hefty investment. For the most part, it has been a worthwhile investment. But as hearings have shown, and as the Department of Labor and the inspector general have reported, there is increasing evidence that the program is not meeting the needs of students or remaining fully accountable to the taxpayer.

Clearly, reform is in order. Both sides of the aisle acknowledge this, the administration acknowledges this, and even Job Corps, I think, would acknowledge this. And I think Senator KASSEBAUM and Senator SPECTER largely agree on how we go about improving the program. For example, both require a zero tolerance policy on drugs, alcohol, and violence. Both require an external audit to determine which centers are not operating efficiently and closes those that perform poorly. Both require increased community participation and integration into the State's overall work force development system.

I also want to make it clear that the underlying bill language does not eliminate Job Corps. Nor does it eliminate or reduce the funding for the program. Both the Specter amendment and the underlying bill acknowledge the role of the Job Corps Program, and there is certainly no intention of abolishing the program.

However, there is one major disagreement between the underlying bill and the Specter amendment. While the Specter amendment maintains the Federal oversight of the program, the Kassebaum bill places management for the program where it belongs: with the local communities.

In New Mexico, we have two outstanding Job Corps Centers, one in Albuquerque and one in Roswell. I have visited these centers, and I have seen first hand the kind of work they do. They each have a no-nonsense approach to placement and training, and they get results. They each have a proven record of success, and I anticipate they will continue with this track record under a statewide work force development system.

I know local Job Corps have expressed concern that if we turn management over to the States, their administrative costs will go through the ceiling. The Department of Labor, for example, has estimated that the number of full-time staff will increase by 6.1 full-time administrative staff per center, and that annual administrative expenses will increase by $650,301 per center.

Frankly, Mr. President, I don't think the Department of Labor is giving these centers enough credit. New Mexico's Job Corps centers can do a better job than that. New Mexico's Job Corps centers already actively seek strong community involvement. With increased local activity and control, our local centers can manage themselves more efficiently and can make an already successful program even better. But the Department of Labor would have us believing otherwise.

If I sound as if I have high expectations of New Mexico's Job Corps Center, it is because I do. Are my expectations unrealistic? I don't think so. If Job Corps is truly made an integral part of the statewide system—and if our Governors seek the input of Job Corps Administrators when developing their State plans, as I believe they will—I think the returns will be enormous.

I have full confidence that New Mexico's centers will continue in their remarkable records of success. When they have shown such promise, such a commitment to these young men and women, and have shown that their programs do make a difference, I think it would be a shame not to let them take control of their own programs. Why must we continue to insist that Federal management of the program is necessary to maintain the integrity of the program? Again, let's give our local centers a little credit.

I do not believe this program marks the end of Job Corps. If anything, I believe it marks a new beginning for a program with a great deal of potential. My vote today reflects my commitment to ensuring that Job Corp lives

up to that potential by sending the decisionmaking home and into the hands of those who have shown that they can produce results: the local communities.

Mr. President, I want to thank New Mexico's Job Corps centers for all their input during this debate, especially the input of Sue Stevens, program director of admissions and placement. I want them to know that my vote reflects my full confidence in their abilities to continue Job Corps' tradition of excellence in New Mexico.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Kansas has 3 minutes and 30 seconds; the Senator from Pennsylvania has 2 minutes and 30 seconds.

Mrs. KASSEBAUM. I yield myself 10 minutes on the bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to answer some of the questions that have come up during the course of this debate, but first I would like to thank the Senator from Ohio for an excellent statement on exactly why the language that is in the bill answers the concerns that we have for the population being served by Job Corps centers. This is one of the reasons I must oppose the amendment offered by Senator SPECTER and Senator SIMON.

What is of concern to us is the at-risk youth population. The Job Corps is not on the chopping block. The same amount of funding will go for Job Corps centers. The Denison center in Iowa is an excellent Job Corps center, and there is not any reason to believe that operation will necessarily change, except it will be under the responsibility of the State instead of the Federal Government. This means the State can contract with a private contractor to continue running the center or any center that is being run by a private contractor. That does not change for those centers.

As to the question about whether a Governor will be responsive, any Governor worth his salt is going to care about the population of his or her State. Certainly, the most vulnerable population is the one that we are trying to reach with improving and building on what was started with the Job Corps Program. The Job Corps was an excellent idea and is an excellent purpose still.

But, Mr. President, I hear over and over again that this is a very difficult group of young people to train and we should not expect a high success rate. I could not disagree with this view more. I think we do a disservice to the very young people that we are wanting to reach, and we are sending them a message that somehow they are at risk and this is the best they can do. When we fail to challenge at-risk youth we peg them by saying that the best they can do are menial jobs. Many times that is where they ultimately end up after spending time in the Job Corps Program, and we will never help them to move toward a better future.

I will be glad to yield in just a moment.

Mr. HARKIN. I just have one question.

Mrs. KASSEBAUM. Mr. President, I feel very strongly that in our desire to try and improve upon the record of the Job Corps centers. We are really wanting to say that we need to be able to look at a different delivery service that will help us meet a growing population, at-risk youth, and which I think can be held to greater success by stronger accountability.

Frankly, I think it is rather patronizing to suggest that these children cannot be motivated and accept the kind of discipline that they need to have to be higher achievers. We must do better, and we can do better.

Father Cunningham of Detroit, MI, who runs a program called Focus Hope, and has done a superb job with that program, takes inner-city youth from Detroit and turns them into machinists and engineers. He has a remediation program which increases the math and reading levels of at-risk youth at the third and fourth grade levels in 7 weeks. It can be done. I have seen other programs that do the same thing. He has a 6-month machinist training program that places graduates in jobs, often on an auto assembly line in Detroit earning $12 to $15 an hour to start. He has created a university-level school of engineering to train these same at-risk youth to be engineers at Chrysler and Ford and General Motors.

How has he done that? He does that by challenging them to be the best that they can be, by really making sure that they themselves are going to be self-disciplined enough to care about the program and strong work requirements that they have to meet.

That is what the Job Corps is supposed to be all about. I think we have seen a population that has changed since the beginning of the Job Corps Program, and we need to recognize that change and provide some of the requirements that will allow it to be what it should be.

I feel very strongly that we must recognize that we are falling short of the promise that the Job Corps Program has made. At a cost of almost $23,000 per student each year taxpayers are not getting their money's worth. More importantly, the at-risk youth for whom the program was designed are all too often being left empty handed as well.

The placement rate was mentioned by the Senator from Iowa. Different figures will meet different facts. Maybe it is 73 percent; maybe it is a much lower rate. But the important thing is that the placement rate in the Job Corps Program right now is being based on finding a job for 20 hours. If a person finds a job for 20 hours, that then is the placement rate on which that percentage is based. I do not think that is really the kind of figure that we need to strive for and I think we do a real disservice to the youth who are in the program.

In short, I feel strongly the Job Corps must change. Rather than leaving assistance for these vulnerable young men and women in the hands of the Federal Government, as the amendment before us offered by Senator SPECTER and Senator SIMON would do, S. 143 would return the program to where I believe it best belongs—the community.

I suggest, again, what S. 143 does not do, because there have been many myths that have gone around about what would be accomplished under the Workforce Development Act. It does not eliminate the Job Corps, and it is not just another job training program. It does not eliminate residential capability. That is entirely a decision that would be made by the Governor, and my guess is that where there is a residential program that is going well it will be maintained.

It does not reduce funding for the Job Corps, and Senator SPECTER, the chairman of the Appropriations Subcommittee for these funds, has always maintained a strong support funding level for Job Corps. It is in a section of a bill for at-risk youth. And if that amount of money is not used on the Job Corps center, as designed for use by the State, it stays with the at-risk youth program. It cannot be used somewhere else. As the Senator from Ohio says, it puts a star behind the at-risk youth, which is where we want to focus. It does not prohibit the use of Job Corps centers by private contractors. It will not prevent well-run centers from operating. It will not prevent construction of newly proposed centers. It does not prevent a State from recruiting nonresident students. It links Job Corps centers to the community and statewide training systems established under the bill. It gives States, not the Federal Government, the primary responsibility for the operation of the Job Corps centers. It eliminates wasteful national contracting abuses documented extensively by the GAO and the inspector general. It closes the 25 consistently poor-performing centers as determined by an independent audit. It establishes strong antiviolence and antidrug policies at the Job Corps centers and reforms the entire program by returning Job Corps to local control, which I believe can be and is a proven recipe for success.

I just suggest, Mr. President, that we sometimes have to be willing to be innovative and take some risks. This is

not to, in any way, diminish the concept or the idea of the Job Corps program. It was a great concept when it was initiated. I believe it continues to have merit. I suggest that we are in a different time, with a different at-risk population of youth today that need to be addressed in a different way. It is not the same young men and women today that need assistance that were once there when the program started. We have to be willing to change it here and provide some different guidance to make it a more constructive, successful program.

Mr. President, I reserve any time that I may have remaining.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes 30 seconds remaining.

Mr. SPECTER. I yield 1 minute 15 seconds to my cosponsor.

Mr. SIMON. Mr. President, someone said this does not kill the Job Corps. It sure severely wounds it. I have not had a letter from a single Governor saying we want to do this. Yet, the Job Corps in Denison, IA, and Golconda, IL, across State lines, takes care of people. That will not happen anymore.

Look at the language of the bill:

The State shall use a portion of the funds made available through the allotment to maintain the center . . .

A portion. That means 5 percent, 50 percent. Mostly, these are residential right now. You can be sure if the State can save that money and use it for some other purpose, they are going to knock out those residential centers. Make no mistake about it, if you vote against the Specter-Simon amendment, you are voting to severely wound the Job Corps.

Mr. KENNEDY. Mr. President, I know the proponents of the amendment wanted to speak last, so I will yield myself 2 minutes on the bill.

Mr. President, the reason for the job Corps is probably more urgent today than at any other time. We set national priorities. We said the Head Start and other national programs are a national priority. We take the title I program for young people to try and bring them up, to try to make sure they are going to be competitive in our public education system. I think if we look around this country, these are the individuals that, without at least a helping hand, are going to fall into the class of the criminal element in our society.

This is the last best chance. The only problem I have with the Senator from Kansas is when she says we have problems and therefore we ought to take this rather dramatic step which, as I think the Senator from Illinois points out, can really undermine or end the program.

We say, let us do the evaluation and strengthen the program, let us build on this program, let us find out what needs to be done and deal with its particular problems. That is what this issue is. Are we going to give a focus and attention to the young people of this country that need focus and attention the most? I believe that is what is behind this amendment. I hope that it will be accepted.

I yield 2 minutes to the Senator from Pennsylvania.

(Mr. GORTON assumed the Chair.)

Mr. SPECTER. I thank my colleague from Massachusetts.

Mr. President, I agree with my distinguished colleague from Kansas when she says that we have a different group of youth. But I say that the differences in our society today from when the Job Corps was established, simply underscores the need for intensive job training and intensive care and intensive effort be made to see that the young people in America are trained to hold jobs and do not require welfare or enter the crime cycle.

My colleague and cosponsor from Illinois puts his finger on a key point, and that is that under a changed position of the bill there would be only an obligation to use a portion of the funds. Although we have $1.1 billion allocated, that really is not too much.

Mr. President, the four Job Corps centers which are available in my home State of Pennsylvania have done really an outstanding job. I had occasion to visit the Job Corps training center in Denison, IA—an outstanding job. My able staffer, Craig Higgins, has visited Job Corps centers across the country and finds an outstanding job. It is true that there are some that need to be closed. Our bill, in a more modulated way, provides for closure of 10 Job Corps centers, plus more closures if it is determined, after an audit, that more ought to be closed.

I believe that in an era where we are looking to block grants, we ought to proceed with a bit of caution, and that a program like Job Corps, with remedial reform measures, as suggested by GAO and Senator KASSEBAUM, will enable Job Corps to complete this very important function.

Mr. President, I ask unanimous consent that at this point a letter to me from the National Job Corps Coalition, setting forth an impressive list of sponsors be printed in the RECORD; that a letter from the Pennsylvania Job Corps Leadership Coalition, with a recitation of a considerable number of student success stories, as compiled by the Pennsylvania Job Corps Leadership Coalition, be printed in the RECORD; that an open letter to Congress from the Secretaries of Labor and Assistant Secretaries endorsing the Job Corps center be printed in the RECORD; that a letter from Mayor Tom Murphy of the city of Pittsburgh be printed in the RECORD.

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

NATIONAL JOB CORPS COALITION,
NATIONAL HEADQUARTERS,
Washington, DC, October 6, 1995.

Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the more than 70 undersigned organizations representing business, labor, non-profit, advocacy and volunteerism, we are writing to express our collective and strong support for the Job Corps amendment that you and Senator Simon will offer during consideration of S. 143, the Workforce Development Act.

This amendment reflects 3 decades of solid bipartisan support for Job Corps and its tradition of success. Over the past 30 years, Job Corps has empowered more than 1.6 million of America's dis-advantaged youth to become responsible, tax-paying citizens.

We support the Specter-Simon Job Corps amendment because it preserves Job Corps as America's time tested national program for at-risk youth. It is the only program offering a unique combination of residential education, support services, job training and placement services. The amendment incorporates reforms suggested by the Inspector General, Department of Labor, Congressional testimony and General Accounting Office data. It should be noted that none of these reports and studies have recommended a state block grant approach as a means to improve or strengthen Job Corps' performance or accountability.

We are encouraged that the amendment preserves universal access to all eligible at-risk youth in need of Job Corps comprehensive services—regardless of where they live. Additionally, the amendment will continue to provide these youth access to strong national and regional labor markets for job placement. Overall, the Specter-Simon amendment codifies the strongest reforms to the program in Job Corps history. We support these reform efforts.

Senator Specter, we appreciate that you recognize that S. 143, as currently drafted, is counter to all other evaluations, recommendations and reforms offered in the spirit of helping young people through Job Corps. Your amendment will maintain Job Corps so that another 1.6 million youth will be able to participate in our nation's most effective residential education and training program.

Respectfully,

LAVERA LEONARD, ED.D.,
Chair, National Job Corps Coalition.

ORGANIZATIONS COMMITTED TO SUPPORT THE SPECTER-SIMON JOB CORPS AMENDMENT

AFL–CIO Appalachian Council; AFL–CIO International Brotherhood of Painters and Allied Trades; AFL–CIO International Union of Operating Engineers; AFL–CIO National Maritime Union of America; AFL–CIO United Auto Workers; Alpha Kappa Alpha Sorority, Inc.; American Youth Policy Forum; Association of Jewish Family & Children's Agencies; Bread for the World; Career Systems Development Corporation; Cavillo and Associates; Center for Law & Social Policy; Cherokee Nation of Oklahoma; Child Welfare League of America, Inc.; Children's Defense Fund; Chugash Development Corporation; Coalition on Human Needs; Commonwealth of Puerto Rico; Council of Jewish Federations; Coyne American Institute; Dau, Walker & Associates; Dynamic Education Systems, Inc.; and DMJM/HTB.

Education Management Corporation; Empire State Organization of Youth Employment Services; Fresh Air Fund; FEGS—New York City; General Electric Government

Services; Grand Rapids Public Schools; Home Builders Institute, the educational arm of the National Association of Home Builders; International Masonry Institute; ITT Job Training Services, Inc.; Jobs for Youth—Boston; Jobs for Youth—New York; Joint Action in Community Service; League of United Latin American Citizens; Management and Training Corporation; The MAXIMA Corporation; MINACT, Inc.; National Assocation of Child Care Resource and Referral Agencies.

National Child Labor Committee; National Association of Social Workers; National Congress of American Indians; National Youth Employment Coalition; National Urban League; Operative Plasterers and Cement Masons International; Opportunities Industrialization Centers for America; Pacific Education Foundation; Puerto Rico Volunteer Youth Corps; Res-Care, Inc.; Teledyne Economic Development Company; Texas Educational Foundation; The EC Corporation; Training and Development Corporation; Training and Management Resources; Transportation Communications International Union; Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation; and Tuskegee University.

United Brotherhood of Carpenters and Joiners of America; U.S. Conference of Mayors; U.S. Department of Agriculture—Forest Service; U.S. Department of the Interior—Bureau of Reclamation; U.S. Department of the Interior—Fish and Wildlife; U.S. Department of the Interior—National Park Service; U.S. Department of Labor; University of Nevada—Reno; Utah Youth Employment Coalition; Vinnell Corporation; Wackenhut Educational Services, Inc.; Women Construction Owners and Exces.; Women in Community Service; American G.I. Forum Women; Church Women United; National Council of Catholic Women; National Council of Jewish Women; National Council of Negro Women; YWCA of U.S.A.; YWCA of Los Angeles; and Youth Build USA.

PENNSYLVANIA JOB CORPS
LEADERSHIP COALITION,
Edwardsville, PA, October 5, 1995.

Sen. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: I write on behalf of the Pennsylvania Job Corps Leadership Coalition to applaud your efforts to save Job Corps. The Amendment you and Senator Simon are cosponsoring is testimony to your support of this one-of-a-kind program. It is also a credit to your leadership and vision, as you have forged a bipartisan alliance that institutes reforms but retains Job Corps' national mission.

The PJCLC continues to be adamantly opposed to the Job Corps provisions of the Workforce Development Act (S. 143) as its passage would be detrimental to the Commonwealth of Pennsylvania and its four Job Corps campuses. S. 143 mandates the closure of 25 centers, but exempts those states with one or no centers. The burden of center closures would fall disproportionately on states with more than one center, such as ours. State management would force an untested Pennsylvania administrative system to operate the most complex and challenging of programs for at-risk youth.

The failure of your amendment would constitute a national tragedy as thousands of young people would be deprived of the opportunity that is Job Corps. Its passage will mean the chance of the American Dream for millions more. Thousands of Pennsylvanians stand tall in their support of the Specter/Simon Amendment to S. 143. Thank you for your unwavering commitment to and steadfast support of Pennsylvania and America's Job Corps.

Sincerely,

ERIC S. LERNER,
Chair.

PENNSYLVANIA STUDENT SUCCESS STORIES

Anthony R. Bowling, 25, graduate of the Keystone Job Corps Center.—Anthony is the first black police officer hired in Hazleton, PA. After graduating from Job Corps, he earned an associate's degree in criminal justice from Luzerne Community College, where he was named to the Dean's list.

Mark Berry, 25, graduate of the Philadelphia Job Corps Center.—Mark completed his training in business-clerical and is now employed as a computer analyst for PNC Bank in Philadelphia. He earns $25,000 a year. He attends college in the evenings, and he's majoring in business management. He wants to eventually operate his own computer programming business.

Etta Jones, 20, graduate of the Keystone Job Corps Center in Drums.—During her year-and-a-half stay in Job Corps, Etta earned her GED and enrolled in Luzerne County Community College through the Job Corps center's partnership with the college. She earned an associate's degree in human services. Now she works with mentally challenged individuals at the Allegheny Valley Schools. Her goal is to become a supervisor in the near future.

Delroy Bolton, 18, graduate of the Pittsburgh Job Corps Center.—Delroy trained in carpentry for his year-and-a-half in Job Corps. He served as president of student government. Now, he is employed as a carpentry apprentice for A&B Contractors in Pittsburgh.

Robert Hunt, 18, graduate of the Pittsburgh Job Corps Center.—Robert, a very recent Job Corps graduate, described himself before Job Corps as "a menace to his neighborhood." After nine months in the program, he says: "I am a better person. I will continue to be a positive person." He earned his GED through Job Corps and was vice president of the student government. He is now employed as a maintenance technician with ICF Corporation in Philadelphia.

Shao Xu, 28, graduate of the Keystone Job Corps Center in Drums.—Shao earned an associate degree in architectural engineering. He is currently a student at Temple University in Philadelphia completing a degree in architecture.

Crystal Mouzon, 22, graduate of the Philadelphia Job Corps Center.—Crystal is now employed as a secretary earning $18,000 a year. "I'm a positive role model for the first time in my life," she said.

Grant Johnson, 20, graduate of the Red Rock Job Corps Center.—Grant trained in landscaping and is currently employed as a groundskeeper for Ninety Four, Inc. in Wilkes-Barre, PA.

Abby Eisenbach, 17, graduate of the Red Rock Job Corps Center.—Abby trained in building and apartment maintenance and is currently employed as a carpenter for Eric Anjkar, a custom wall builder. Abby's residential advisor described her as a "young woman with extremely low self-esteem from a troubled family who needed the structure Job Corps provided." While in Job Corps, Abby earned her GED. She was a dorm leader, a Big Sister, and a member of the Student Government.

AN OPEN LETTER TO CONGRESS: KEEP JOB CORPS A NATIONAL PROGRAM

Job Corps is our country's most successful job training and education program for at-risk youths because it is a national program. The Workforce Development Act (S. 143), puts Job Corps' future in jeopardy. If passed, it will close 25 centers and turn operations of our nation's most challenging residential education and job training program over to the States. In 30 years, no state has successfully operated such a program. The legislation ignores Job Corps' solid track record of success and invites a risky and tenuous future.

This bill is in sharp contrast to all other job training consolidation recommendations including the House of Representatives CAREERS Act of 1995, which has strong bipartisan support.

Four million young people in the U.S. are in need of the basic education, job skills and job placement assistance only offered by Job Corps. Most youth who enroll in Job Corps have inadequate education. Most do not have the skills or attitudes needed to find and keep good jobs. All are from poor families.

Job Corps is a solution for them. Over the years, Job Corps has helped 1.6 million young men and women become self-sufficient citizens. Job Corps is the nation's oldest, largest, most comprehensive and cost-effective residential education and training program for disadvantaged youth between the ages of 16 and 24. Seven out of 10 graduates get jobs or enter further education. Job Corps works. Job Corps should remain a national program because: Job Corps is cost-effective.

Job Corps is a public-private partnership that ensures consistently good residential education and training services for young people. Residential services are among the most complex services offered to youth. Few states have the expertise or desire to take on this challenge.

Job Corps returns $1.46 for every dollar invested in it through increased taxes paid by graduates and decreased costs of crime, incarceration and welfare.

Job Corps uses economies of scale to offer comprehensive services, including basic education, job training, counseling, social skills training, medical care, and leadership training. All this costs just $65 a day per student.

Job Corps is accountable. No other job training program is so rigorously monitored. Job Corps is evaluated on national, regional, and local levels, by the private and public sectors, and by the Inspector General and Government Accounting Office.

Job Corps is also fiscally accountable to America's taxpayers. Those who complete the Job Corps program boost their earnings by 15 percent. While in Job Corps, young people jump an average of two grade levels. They are most likely to complete high school and attend college.

Job Corps is accessible. Job Corps has always been available to all eligible youth.

If the Workforce Development Act of 1995 passes, local youth will not have equal access to Job Corps. All young people in need of Job Corps' comprehensive services should have the opportunity to succeed—like millions before them—regardless of state boundaries. Job Corps graduates should also be able to continue crossing state lines to take advantage of strong job markets.

Job Corps is a part of its community. Job Corps centers work for youth and for their communities. Job Corps students across the U.S. have completed more than $42 million in construction and service projects for their communities, including flood and disaster relief.

The American public, Congress and Administration should be proud of Job Corps. We implore the Members of Congress from both sides of the aisle to continue your support for Job Corps as a distinct national program.

PETER J. BRENNAN,
Secretary of Labor, Nixon Administration.
W.J. USERY, Jr.,
Secretary of Labor, Ford Administration.
RAY MARSHALL,
Secretary of Labor, Carter Administration.
FRANK C. CASILLAS,
Assistant Secretary of Labor, Reagan Administration.
MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower, Nixon Administration, Under Secretary of Labor, Reagan Administration.
DICK SCHUBERT,
Deputy Secretary of Labor, Nixon/Ford Administration.
ROGER SEMORAD,
Assistant Secretary of Labor, Reagan Administration.

CITY OF PITTSBURGH,
Pittsburgh, PA, September 1, 1995.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: I understand that the Senate will be taking up Senator Dole's welfare reform package (H.R. 4) in the next few weeks. I am writing to express my concerns about the decision to incorporate Senator Kassebaum's workforce development consolidation legislation into this package.

First, as you know, I support efforts to consolidate our nation's training and employment programs. Members of the Pittsburgh Private Industry Council, appointed by me, assure me that clients, service providers and employers will all benefit from a more coherent workforce development system.

I do not believe, however, that welfare reform provides an adequate context in which to address workforce development consolidation. Although many welfare recipients receive services, employment and training programs benefit a much broader clientele. In order to ensure their diverse needs are considered, workforce development legislation deserves its own forum.

Such a forum would provide you and your colleagues with the opportunity to analyze the provisions of the Workforce Development Act in depth. At least two aspects require attention. First, local governance is still an issue. Although the legislation refers to local workforce development boards, there is no guarantee that these employer-driven boards will continue to play a strong role in the planning and implementation of employment and training programs. Having worked closely with the Pittsburgh Private Industry Council, I understand the extent of expertise and experience that members bring.

Second, the legislation contains a provision that jeopardizes the future of Job Corps. The Pittsburgh Job Corps center is vital to the region. Since 1972, it has provided opportunities for disadvantaged youth to develop the attitudes and skills required for productive employment. Given the high rate of unemployment, particularly among African-Americans, employment and training programs like Job Corps represent a critical component of our economic development strategy.

The proposed legislation would transfer governance of Job Corps to the states without providing any incentives for continued operation. Furthermore, twenty-five unspecified centers would be closed. In light of the evidence demonstrating Job Corp's success with at-risk populations, these measures are unjustified and should be stricken.

In summary, I urge you to support efforts to decouple the Workforce Development Act from H.R. 4. If these efforts are not successful, I request your assistance in ensuring that my concerns about local governance and the future of the Job Corps program are addressed.

Thank you for your attention.

Sincerely,

TOM MURPHY,
Mayor.

Mr. SPECTER. I urge my colleagues to support this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Twenty-five seconds remain.

Mrs. KASSEBAUM. How much time remains on my side?

The PRESIDING OFFICER. There are 3 minutes 30 seconds remaining.

Mrs. KASSEBAUM. I yield briefly to the Senator from Ohio.

Mr. DEWINE. Mr. President, I would like to respond to the Senator from Illinois and the Senator from Pennsylvania. They are absolutely correct in what they read. But the rest of the story is that all of that money, in that area, that title, has to be spent for at-risk youth. So it is not a question of the State being able to take part of that money and divert it over here for some other purpose. You cannot even use it for some other purpose that has to do with job training. It has to specifically be targeted at at-risk youth. To me, that is the significant part.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I appreciate the observation made by the Senator from Ohio. He is exactly correct. In the section of the bill that is "At Risk Youth" there is an authorization for $2.1 billion, of that, $1.1 billion is for Job Corps.

If there are any savings to be found in Job Corps with the elimination of extra administration layers that money stays with the at-risk program in this section.

I cannot stress enough that those centers being well run will continue to be well run. I appreciate the Senator from Pennsylvania saying that the intensive training and intensive care are things that we would all want to accomplish with these initiatives.

I believe strongly that it can be better done by the State than by the Federal Government at this point in time. I hope that my colleagues would oppose the Specter-Simon amendment.

I yield the floor and yield my time back.

The PRESIDING OFFICER. There are 25 seconds remaining.

Mr. KENNEDY. Mr. President, I understand that it is the desire of the leader to conclude the debate on this and then move to the conclusion of the Ashcroft amendment, of which there was a 20-minute time.

I yield the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent that a memorandum to me from Craig Higgins and Jim Sourwine be printed in the RECORD, as well as a table on the impact of the Job Corps in Pennsylvania.

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

MEMORANDUM

OCTOBER 10, 1995.

To: Senator Specter.
From: Craig Higgins and Jim Sourwine.
Re: Staff visits to Job Corps Centers.

As per your direction, outlined below is a description of staff visits to Job Corps centers.

TIMBERLAKE JOB CORPS CENTER

January 1990, staff visited the Timberlake Job Corps Center outside of Estacada, Oregon. Estacada is a small town located high in the Cascade mountains about 2 hours from Portland, Oregon. It is a Civilian Conservation Corps center operated by the Forrest Service serving about 250 students annually. The strength of their training programs was in forestry related jobs, however, they did offer vocational training in some construction trades, culinary arts and building maintenance. What was most striking was that the majority of the students were not from Oregon, but from large urban areas, such as Detroit, Chicago and Los Angeles. Most of the kids had been uprooted from their "street life" in the city and been transported high in the mountains of the Northwest to study and receive vocational training. There was nothing else to do but to study. The nearest town was 8 miles down the mountain and was not much more than a gas station, a country store, and a post office. Therefore, according to the staff, the kids worked hard to finish their training so they could get back to "civilization." Additionally, the staff reported most of the students who completed their training did not return home to the big cities, but found jobs in the Northwest.

The Kassebaum bill establishes Job Corps as a state-based program and would eliminate the possibility of students from Chicago or Detroit from receiving training from a center in Oregon, Pennsylvania or Arizona. For some kids, being far from the home environment is just what they need.

WOODSTOCK JOB CORPS CENTER

In 1988 or 1989, staff visited the Woodstock Job Corps Center located in Randallstown, Maryland. This was a large center which served approximately 500 students annually. The majority of the students came from the Baltimore/Washington area. The bulk of the training offered was in the construction trades and the culinary arts. This was a clean, well organized, center on property which had once been a monastery. Center staff reported having good ties with local businesses in the construction trades, which made job placement once the training was

completed easier. The one problem identified was the difficulty in getting to jobs in suburban communities due to the lack of transportation.

At the time of the visit, Center staff reported that while there were discipline problems, they were controllable and were not unexpected given the size of the center and the severely disadvantaged population they served. In recent years, however, the Center has had more serious problems with violence.

IMPACT OF JOBS CORPS IN PENNSYLVANIA

[Data for Program Year 1994 (July 1, 1994–June 30, 1995)]

	In percent—		
	Total overall placement rate (all terminees)	Placement rate job training match	Average hourly wage
Keystone JCC	74.8	68.0	$5.61
Philadelphia JCC	90.4	61.0	6.28
Pittsburgh JCC	74.8	47.9	5.37
Red Rock JCC	80.1	66.5	5.53
Pennsylvania Composite rates	80.0	60.9	5.70
National rates	73.0	47.0	6.16

Note: Pennsylvania provided service for approximately 3,000 at-risk youth of which 65% were from Pennsylvania and 35% were from other states. Students average 2 grade level gains in an average of 7.5 months.

Mr. SPECTER. Mr. President, in conclusion I say that Congress has oversight; the committee, chaired by the distinguished Senator from Kansas, can correct any problems which arise. When they do arise from time to time, that action can be taken.

I very much think we ought to keep this Job Corps with the corrections, but keep it a national program.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SPECTER. I ask unanimous consent that Senator PELL be added as an original cosponsor.

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

UNANIMOUS-CONSENT AGREEMENT

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to lay aside the pending amendment offered by Senator Specter; that the Senate resume consideration of the Ashcroft amendment numbered 2893; that there be 20 minutes of debate equally divided in the usual form on that amendment, to be followed by 4 minutes equally divided for debate on the Specter amendment, to be followed by a vote on or in relation to the Specter amendment; further, that following that debate there be an additional 4 minutes debate on the Ashcroft amendment numbered 2893, to be followed by a vote on or in relation to the Ashcroft amendment.

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

AMENDMENT NO. 2893

The PRESIDING OFFICER. The clerk will report the Ashcroft amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2893.

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

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

(The text of the amendment is located in the RECORD of Tuesday, October 10, 1995.)

Mr. ASHCROFT. Mr. President, I thank the Senator for providing this time for explanation and debate regarding the amendment I have proposed.

The amendment which I have proposed is an amendment which would allow us to target and focus our scarce job training resources on individuals who would be most likely to use those resources effectively, most likely to benefit from training.

The amendment requires random drug testing for all job training applicants. The number of the individuals tested and the frequency would be left to the localities. The amendment would also ask the States to test participants in the program based on a standard of reasonable suspicion. If an applicant or participant tested positive they could reapply after 6 months from the date of disqualification but they must show for reapplication that they passed a drug test within the last 30 days.

Mr. President, as the chart behind me indicates, 89 percent of all the manufacturers test for drug utilization; 88 percent of all people in the transportation industry. It is true that in the financial services sector only 47 percent of employers test for drugs. The fact of the matter is, however, we are not in the business of developing mutual fund managers. We are talking about applicants and participants who will seek jobs in major industries like manufacturing and transportation.

Mr. President, it seems to me that if we have a scarce resource, we ought to focus it on individuals who will be able to get jobs at the conclusion of the program. Those individuals who are going to be placed are the ones who are drug-free.

Let us not perpetuate the myth that you can travel down the road of drug utilization and job development at the same time. You cannot. The truth of the matter is if you want a job, you are going to have be drug-free. These are the facts, and to suggest otherwise is both inaccurate and inappropriate.

So a vote "yes" for this amendment is a vote for the belief that a finite resource should be focused on individuals who are employable.

Are we interested in saving millions of dollars for the taxpayers? That is what the American people have asked us to do. Why should we spend thousands of dollars to train individuals who are going to hit this wall? Do we want to reduce the $140 billion companies lose to drug-addicted workers every year?

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. ASHCROFT. I yield myself another minute and 30 seconds.

The National Institute on Drug Abuse indicates that $140 billion a year is lost in this country from theft, loss of productivity, accidents, and absenteeism related to drug use. Let us send a clear message that drug use is incompatible with the kind of productive employment necessary to our survival.

I think an intelligent policy is to say that we should have a random drug testing policy. Random testing will send a clear signal that drug utilization and job training are incompatible. A message that the Congress has failed to send in the past, but that we can and should send today.

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

Mr. KENNEDY. The amendment offered by the Senator from Missouri would require applicants and participants in job training programs to submit to drug testing. I am opposed to the amendment because it represents an unwarranted and unprecedented intrusion into the privacy of the thousands of ordinary Americans who use job training services.

In addition, the amendment is a costly and unfunded Federal mandate. One of the innovations of this job training bill is the degree of flexibility it gives States and localities. The Ashcroft amendment is completely out of step with that goal.

Drug testing has an important role in certain job training settings, just as it has in certain workplace settings. But the proposal by the Senator from Missouri is overbroad, excessively expensive, and an example of the intrusive Federal policy role that this bill is designed to combat.

The vast majority of the people who will use the job training services authorized in this bill are upstanding citizens, not criminals. They are displaced defense workers. They are blue collar workers who have been laid off as a result of a factory closing. They are professionals seeking to improve their skills in specialized fields.

The Ashcroft amendment says to these people: If you want this assistance to try to improve your skills and obtain employment, you have to agree to submit to a Government test for possible drug abuse. I do not believe that the privacy of ordinary citizens hoping to improve their job skills should be routinely invaded in this intrusive manner.

The Government uses drug testing today for airline pilots, train conductors, and other employees involved in sensitive public safety tasks. If programs funded by this bill train people in sensitive jobs, there is nothing that would prohibit drug testing.

But routinely testing of everyone is too extreme. We do not do it in other programs, and we should not do it in this one.

We do not drug-test people seeking Government assistance in financing a

mortgage; we do not drug-test flood or earthquake victims applying for disaster relief; we do not drug-test crime victims seeking assistance from the Federal Office of Victim Services; we do not drug-test farmers seeking crop subsidies.

We do not drug-test corporate executives seeking overseas marketing assistance from the Commerce Department.

Why are job training recipients singled out for this stigma? No case has been made that this population is more susceptible to drug abuse than the population at large.

The amendment offered by the Senator from Missouri requires drug testing in two situations. First, every applicant to a job training program is subject to testing on a random basis. Second, participants in training programs are subject to testing based on reasonable suspicion of drug use. Both random basis and reasonable suspicion are undefined concepts. They raise the specter that excessive distinctions will be made based on stereotypes and prejudices.

As we have often been told, Washington does not have all the answers. We should not replace one set of Federal mandates with another set of Federal mandates. This bill is designed to maximize local flexibility, but the Ashcroft amendment goes in the opposite direction.

Indeed, the Ashcroft amendment would actually preempt some State laws. A number of State legislatures have addressed the circumstances under which drug testing can be utilized, but the Ashcroft amendment would actually override the considered judgments of those legislative bodies and put in place a one-size-fits-all Federal mandate.

Drug testing on the scale contemplated by this amendment would be enormously expensive. By some estimates, 1 million Americans use the job training services included in this bill. The Department of Health and Human Services estimates that the average cost of a drug test is about $35.

That means it would cost $35 million each year to administer an average of one test to each person. Either this amendment saddles local governments with a huge unfunded mandate, or it eats up a large portion of the Federal funds made available under this bill.

It is also important to note that drug testing technology is not infallible. Depending upon the type of testing technology that is used, as many as 4 percent of all drug tests result in false positives. That means that if a million drug tests are administered, some 40,000 Americans might be inaccurately labeled as drug users.

Of course there are often opportunities for appeals and confirmation tests and retests. But we should think long and hard before we adopt this amendment and subject tens of thousands of ordinary, law-abiding Americans to the Kafka-esque nightmare of being falsely accused of drug use.

The amendment requires those who test positive for drugs to obtain drug treatment. But who will pay for treatment? Right now, only a third of the Americans who need substance abuse treatment receive it because insurance coverage and public funding are inadequate. At the very moment that we debate this proposal, the Appropriations Committees of Congress are poised to slash Federal support for drug treatment. The House has already passed a bill that cuts Federal spending on drug treatment and prevention by 23 percent.

In light of that fiscal reality, it makes no sense to institute a massive new Government drug testing program.

Perhaps the intent of the Ashcroft amendment is to require local governments or job training programs themselves to pay for the treatment of those who test positive. That would at least guarantee that treatment is available, but it would cause the price tag of this amendment to reach an even more prohibitive level.

Finally, the amendment is objectionable because it may deter people who need job training services from seeking them. The threat of an intrusive drug test may put off drug users and nondrug users alike. We want to encourage people to improve their skills. We want to encourage the unemployed to become employed. We should not erect barriers to the services authorized in this bill.

Job training programs do not need the Federal Government to tell them how to deal with drug abuse. They have the tools they need. Where drug testing is appropriate, it will occur. But a sweeping Federal mandate is completely unnecessary and excessively expensive, and I urge the Senate to reject this amendment.

Mr. President, this amendment is a complete conflict with the whole spirit of the legislation. Rather than the Federal Government and Congress setting the rules, leave this up to the States and local communities.

I have concerns about the privacy issue, concerns about the cost issue, preempting State laws, the whole issues on quality control for random tests and what the circumstances are, what the definitions would be for reasonable suspicion. There are all kinds of reasons.

Mr. President, 6 years ago we had a very similar amendment. It was focused on welfare recipients. We say we have scarce resources and we need to be careful with our spending. But simply because they are on welfare should we require drug testing? The Senate said no and that amendment was soundly defeated.

I do not know what it is about the workers of this country. The Senator has in effect said that the displaced Raytheon workers who built the Patriot missile ought to be required to take some kind of a test.

In this legislation, under the national activities, if there are hurricanes, as we have just had, there will be members of communities in south Florida who will be eligible for help and assistance. What does the Ashcroft amendment say? You have to go out and take a drug test. If you are going to have people take a drug test, what about farmers? Are we going to say, because we have had national disasters, you are going to have to go out and get a drug test? We do not say that to the small business men and women. We do not say that to all the students in the country. We do not say that to all the people who are going to get generous tax breaks on mineral rights. We do not say that cattle growers who are going to get benefits from the Federal Government must take a drug test first. Why are we picking out workers in this country? Where is the case for it? Where is the justification? Where is the right to do that? Yesterday it was the people on welfare. Today it is the American workers. The case has not been made. It is a mandate to the various States and communities. You are going to be preempting the States.

If there is a justification, for example in terms of safety, if there is a justification in terms of security—like airline pilots and those who are in public transportation—they have the right to go ahead and do that now. There is no prohibition against them doing it now. There is no prohibition, if they set up training programs where public safety is at risk, that prohibits them from going ahead. We give that flexibility to the local community. So why should we superimpose a Federal mandate on it? It makes no sense. The case has not been met.

It may be a feel good amendment, but when we talk about scarce resources going to training—we see significant cuts in these programs in any event. And for the reasons the Senate soundly defeated a similar amendment just a few years ago, that targeted those individuals who are poor and needy and need some help and assistance, this amendment should be defeated as well. I do not think we ought to put at risk the workers of this country, who, generally because of the downsizing or because of mergers, are thrown off and become unemployed. It is clear that all they are trying to do is get into a training program and get a job, why should we threaten their rights of privacy.

I reserve the remainder of my time.

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

Mr. ASHCROFT. Mr. President, I regret the fact that not everyone in the Senate was in attendance last night when we debated these issues.

The Senator raises the question of why deal with job training? It is because reality is going to deal with job training applicants and participants on drugs. Mr. President, 89 percent of the employers will test for them in manufacturing; 88 percent in transportation. Why do we not move that test up and help people get started down the right path, instead of going through some kind of training and then being hit by this wall. We do not have that problem in farming. There is not going to be a drug test that keeps a farmer from selling his cattle. That issue is totally specious.

I do not know why we choose to discuss the welfare situation here, but we just passed a welfare bill that provides that States may suspend benefits to welfare recipients who test positive for drugs. I do not know what we did in 1986, but I know what we did in 1995 and that is part of the welfare reform measure we just passed.

The point is we do have scarce resources. Why waste them on individuals who are not going to be employable when they are through with the work training program? Since the resources are scarce, let us focus them on the individuals who are responsible enough, who care enough about their families, who care enough about their future to be able to benefit from the training program because they are not high on drugs. Let us not stick our heads in the sand, while someone else is sticking a needle in his arm.

Let us say if you have to be drug free to work then drug testing ought to be a fundamental part of your training. You have to learn to be drug free because that is the way the work force is going to survive. It is that simple.

Let us not perpetuate a myth that somehow you can go down the dual highway, one of the roads being drug utilization and the other road being job training or job seeking. The truth of the matter is, American industry is clear. Mr. President, 77 percent of all employers test for drugs, 89 percent in manufacturing, 88 percent in transportation.

We ought to send a signal loudly and clearly to individuals who are part of our training program. Part of your training is to adopt a lifestyle which will be productive and which will result in employability, not to persist in a lifestyle which will send you slamming into a wall of unemployment and despair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 2 more minutes. The fact of the matter is, many of the defense-related industries require reasonable cause, not just suspicion or random selection, which the Senator has talked about here. I do not know why the Senator has a feeling that all displaced workers, like the 12,000 workers that were laid off when Chemical Bank and the Chase merged the other day in New York City, is where the problem is. Why is it that the Senator believes that workers are more at risk than farmers are? Than family-farmers are? Where is the justification to say the workers who work in the States of this country, that work in plants, work in small business—may even be a homemaker, because homemakers are included in here—where is the Senator's justification for it? It just is not there. We have asked for the justification. He has not been able to demonstrate it. And I fail to understand why we would single out those individuals.

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. ASHCROFT. I am pleased the Senator asked the question, because I have the answer. The farmer who gets assistance does not have to pass a drug test before he sells his cattle. But the employee who seeks training will have to pass a test before he can be hired. In the latter case, the benefit is denied, the benefit for which the training was undertaken. That is the answer to your question.

Mr. KENNEDY. Mr. President, I listened. I was prepared to yield. I fail to understand why the farmer who gets price subsidies, which are taxpayers' dollars, are not expected to have a drug test but our workers are. I am not out there to say every farmer who gets price supports ought to have this kind of test, because the case has not been made for any such test.

If we are going to say about farmers or small business men and women the case has not been made, then they should not be tested. Why are you going to say the workers ought to be? That is what the Senator is saying. You have not made the case that there is a requirement, you have not shone that there is a need for it, and you do not set any other kinds of standards. You say, return this activity to the States. What are the States going to do? They are going to use the least expensive methods, which in many instances are the most faulty systems.

There are standards which are established and should be established when you are talking about public safety and transportation, which are going to provide for the safety and well-being, the lives of the public. There should be standards and there should be adequate inspection and investigation and tests when necessary. We support that. There is nothing in the bill that denies anybody the opportunity to do it. But to suddenly say to those workers who are going to be affected by national activities, because of the hurricane you are going to be tested, or the homemakers, you are going to be tested. The Senator has not made the case.

I just wonder why we ought to be doing that, let alone preempting, which the Senator would do, any of the State laws that provide protections in terms of privacy, or set requirements in terms of various standards. You are preempting a number of State laws that are in effect, and you are effectively running over those.

The case has not been made for it. If the States want to be able to do it, there is no prohibition under the Kassebaum amendment. If there is a need for it, desire for it, if it is necessary, you can do it. I do not think the justification has been made that we should do it for all of those covered by the bill.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri has 1 minute 56 seconds, the Senator from Massachusetts, 3 minutes 12 seconds.

Mr. ASHCROFT. Mr. President, this is a simple amendment. We have a limited number of dollars we devote to job training. We can either train people regardless of whether they use drugs, or we can decide to train people who are drug-free. If we train people who are drug-free, there will more people who will get jobs than if we train both the drug free and abusers of illicit drugs. It seems to me, if our ultimate objective is to train people to be employed, we should train people who care enough about working that they are willing to put aside a lifestyle of drug addiction and abuse.

In the end, the reason this amendment is worthy of our consideration is that 77 percent of all firms test for drug use. So, we can continue to waltz people along in the sleepy myth that you can be on drugs and get a job or we can embrace the truth.

Why waste the $2,000 or $4,000 in training a person only to have them disqualified when they get finished with the training? That is the difference between the farmer. That is the difference between the welfare recipient. There is reality at the end of the training. It is called employment and you cannot get it if you are on drugs.

I urge the Members of this body to respond, to allocate our training funds to individuals who are drug-free. Thank you.

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

The PRESIDING OFFICER. The Senator has 3 minutes and 12 seconds.

Mr. KENNEDY. Mr. President, it is interesting that in the Senator's amendment it provides that if an individual applicant fails the drug test, they can seek treatment through a drug treatment program. How much does the Senator think will be allocated for drug treatment programs?

Mr. ASHCROFT. Mr. President, I am not sure how much is available in drug treatment programs. There are drug treatment programs.

Mr. KENNEDY. How much does the Senator allow in his amendment? Does

he expect the drug treatment programs to be paid for out of this?

Mr. ASHCROFT. No. There are separate funds available in every jurisdiction for drug treatment programs, some of which are Federal funds and some of which are State funds.

Mr. KENNEDY. Does the Senator know what happened to those treatment programs in the appropriations bills this last year? They have been reduced by close to a quarter, Mr. President.

This amendment just does not make any sense.

I yield the remainder of my time.

AMENDMENT NO. 2894

The PRESIDING OFFICER (Mr. SANTORUM). There are 4 minutes remaining on amendment No. 2894 offered by the Senator from Pennsylvania, Senator SPECTER.

Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes. Senator KASSEBAUM has 2 minutes.

Mrs. KASSEBAUM. I would be prepared to yield back time.

Mr. SIMON. I will take 1 minute.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, there is no question that without the Specter amendment, we severely wound Job Corps. It is the only program we have working with at-risk young people which is really working, and working effectively. When the legislation says they have to use a portion of the money that we give to them to maintain Job Corps centers, they can use this for parole agents. It is revenue sharing with the States. It really is important. If you believe in helping at-risk young people in our Nation, pass this, the Specter-Simon amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I want to say in closing that I think we have had a good debate on the pros and cons of the needs of the Job Corps Program and at-risk youth.

I suggest that this debate is about whether the Federal Government should continue in the same way as it has in running the Job Corps programs, or whether the States can do a better job. Can the local community be more involved and bring about a greater sense of accountability and responsibility for helping this very vulnerable population, which with the right set of guidelines and expectations can achieve more than it has done.

I urge my colleagues to vote against the Specter-Simon amendment, and to be willing to invest in trying to achieve even greater success with the Job Corps Program.

I yield back any time that I have remaining,

Mr. President, I ask for the yeas and nays on the Specter-Simon amendment.

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 amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 485 Leg.]

YEAS—57

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Bennett	Ford	Moseley-Braun
Biden	Glenn	Murkowski
Bingaman	Grassley	Murray
Boxer	Harkin	Pell
Bradley	Hatch	Pryor
Breaux	Hatfield	Reid
Bryan	Heflin	Robb
Bumpers	Hollings	Rockefeller
Burns	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Campbell	Johnston	Shelby
Cochran	Kennedy	Simon
Conrad	Kerry	Snowe
Daschle	Kohl	Specter
Dodd	Lautenberg	Stevens
Dorgan	Leahy	Warner
Exon	Levin	Wellstone

NAYS—40

Abraham	Gorton	Mack
Ashcroft	Graham	McCain
Bond	Gramm	McConnell
Brown	Grams	Nickles
Chafee	Gregg	Nunn
Coats	Helms	Pressler
Coverdell	Hutchison	Roth
Craig	Jeffords	Simpson
D'Amato	Kassebaum	Smith
DeWine	Kempthorne	Thomas
Dole	Kerrey	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	
Frist	Lugar	

NOT VOTING—2

Cohen	Moynihan

So the amendment (No. 2894) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2893

The PRESIDING OFFICER. Under the previous order, their will now be 4 minutes for debate on amendment No. 2893, offered by the Senator from Missouri [Mr. ASHCROFT].

Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will please come to order.

There will be 4 minutes of debate before the next vote. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President. This amendment would provide for random drug testing for individuals in job training programs. The truth of the matter is that 89 percent of all manufacturers, 88 percent of all those in the transportation industry, 77 percent of all employers provide for drug testing prior to employment. If we expect for people who move through our job training programs to be really employable, we need to ask them to participate by getting drug free in the process. We need to send a clear signal that being on a track of drug use and job training or employability are incompatible and inconsistent tracks.

We have limited job training resources. We do not have enough to go around. Let us make sure that we use them well by saying that those individuals who are drug-free will be the individuals for whom we provide job training. To ask that individuals undergo random drug tests in job training is merely to reflect the reality of the marketplace where 89 percent of manufacturers will require it.

Let us not perpetuate a myth that somehow drugs are compatible with employment and that productivity and achievement are compatible with drugs. Let us say that we provide for random drug testing that will focus our job training resources on those who care enough to be drug free and will be employable upon the completion of the program.

I yield the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 1½ minutes.

Mr. President, there are job training programs where this kind of testing is appropriate. When we talk about public safety, when we talk about the airlines, when we talk about the railroads, that is appropriate and that is permitted under this bill.

Effectively, what this Senator is saying is that every worker in this country is somehow under the suspicion of drug usage. The case has not been made. The people eligible for these benefits are the people in Florida who suffered under Hurricane Opal. They are going to be the homemakers, they are going to be the displaced workers, they are going to be the 12,000 workers from Chemical Bank and Chase Bank squeezed out as a result of mergers.

The case has not been made. Random, there is no definition of random.

Reasonable suspicion, there is no definition of what reasonable suspicion is. There is no definition of what the cost is, plus preempting the States.

In the Kassebaum bill, if there is a desire and need for that kind of testing it can be done locally. Why should we have an additional Federal mandate that is going to interfere with the workers of this country? We do not require it of farmers who get various benefits. We do not require it of small businessmen. We do not require it of defense contractors. We do not require it in the timber industry or the mining industry or those who use the public lands for grazing, who all get benefits. Why should we say to the workers who have been displaced with downsizing or mergers that you are going to be subject to this random testing? It was tried 6 years ago.

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

Mr. KENNEDY. I yield myself 30 seconds.

We had a similar amendment to do it for all welfare recipients. That was rejected overwhelmingly. For the same reason it was rejected for welfare recipients, we ought to reject it for the workers of this country.

I yield back the remainder of time.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2893. 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 Maine [Mr. COHEN] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

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

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 486 Leg.]

YEAS—54

Abraham	DeWine	Lott
Ashcroft	Dole	McCain
Baucus	Domenici	McConnell
Bennett	Faircloth	Murkowski
Biden	Feinstein	Nickles
Bingaman	Frist	Nunn
Bond	Glenn	Pressler
Bradley	Gorton	Reid
Brown	Gramm	Roth
Bryan	Grassley	Santorum
Burns	Gregg	Shelby
Byrd	Hatch	Simpson
Campbell	Heflin	Smith
Coats	Helms	Stevens
Cochran	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
D'Amato	Lieberman	Warner

NAYS—43

Akaka	Dorgan	Hollings
Boxer	Exon	Inouye
Breaux	Feingold	Jeffords
Bumpers	Ford	Johnston
Chafee	Graham	Kassebaum
Conrad	Grams	Kempthorne
Daschle	Harkin	Kennedy
Dodd	Hatfield	Kerrey
Kerry	Mikulski	Sarbanes
Kohl	Moseley-Braun	Simon
Lautenberg	Murray	Snowe
Leahy	Pell	Specter
Levin	Pryor	Wellstone
Lugar	Robb	
Mack	Rockefeller	

NOT VOTING—2

Cohen	Moynihan

So the amendment (No. 2893) was agreed to.

Mrs. KASSEBAUM. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2895

(Purpose: To reduce the Federal labor bureaucracy)

Mrs. KASSEBAUM. Mr. President, on behalf of Senator GRAMM of Texas, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for Mr. GRAMM proposes an amendment No. 2895.

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

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

The amendment is as follows:

On page 201, strike lines 18 through 22 and insert the following:

(B) SCOPE.—

(i) INITIAL REDUCTIONS.—Not later than the date of the transfer under subsection (b), the Secretary of Labor and the Secretary of Education shall take the actions described in subparagraph (A) with respect to not less than ⅓ of the number of positions of personnel that relate to a covered activity.

(ii) SUBSEQUENT REDUCTIONS.—Not later than 5 years after the date of the transfer under subsection (b), the Secretary of Labor and the Secretary of Education shall take the actions described in subparagraph (A)—

(I) with respect to not less than 60 percent of the number of positions of personnel that relate to a covered activity, unless the Secretaries submit (prior to the end of such 5-year period) a report to Congress demonstrating why such actions have not occurred; or

(II) with respect to not less than 40 percent of the number of positions of personnel that relate to a covered activity, if the Secretaries make the determination and submit the report referred to in subclause (I).

(iii) CALCULATION.—For purposes of calculating, under this subparagraph, the number of positions of personnel that relate to a covered activity, such number shall include the number of positions of personnel who are separated from service under subparagraph (A).

Mrs. KASSEBAUM. This amendment pertains to provisions of S. 143 dealing with reductions in the Federal work force, as we consolidated offices at the Federal level to oversee the new work force development system. This language was worked out with the Senator from Texas, and I believe it is acceptable on both sides.

Mr. KENNEDY. Mr. President, I urge the support of the amendment, which clearly is in focus with what the intention is for this legislation—that is, the reduction of personnel and manpower.

There has been a dramatic reduction in the period of the last 3 years. That flow line we expect to continue. This establishes some additional benchmark to be able to achieve it.

I think it is a reasonable amendment. I hope it would be accepted.

Mrs. KASSEBAUM. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2895.

The amendment (No. 2895) was agreed to.

Mrs. KASSEBAUM. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I would like to discuss the important issue of encouraging competition between the private and public sectors in the delivery of training and employment services at the State and local levels.

As you know, the Workforce Development Act consolidates nearly 100 separate education and job training programs into a single, universal work force development system through block grants to the States.

I want to commend the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Federation of Independent Business, the National Alliance of Business, and other business groups for their efforts to help shape legislation to restructure the Nation's education and training system. These representatives of the business community are advocating a comprehensive work force development system that is market-based, customer-driven, and that gets results.

Would the Senate majority leader, my colleague from Kansas, please comment on the role of business in restructuring Federal training programs?

Mr. DOLE. Mr. President, I agree with the distinguished Senator from Kansas. America needs a work force that is trained for private sector occupations—especially those generated by small businesses and entrepreneurs—that will help ensure a competitive U.S. economy. I believe the system must be private sector driven to ensure it is flexibile and responsive to the evolving dynamics of the labor market, international competition, and technological advances over the coming years and decades.

I believe small business should be able to compete with the public sector in the delivery of training and employment services and in the operation of the one-stop centers. If the consolidation of Federal programs is to adequately reflect the realities of today's labor market, business—particularly

small business—absolutely must play a lead role in ensuring workers are equipped with the skills needed by America's employers. Incorporating competition and free-market principles into training services at the local level will also encourage public sector programs to operate more effectively. Opportunities for private-public sector competition in the implementation of local work force development plans is an area strongly pursued by U.S. business interests. In particular, I want to recognize the work by the U.S. Chamber of Commerce and the National Association of Manufacturers in this area and welcome their input in education and job training services on behalf of small business.

Does the distinguished chairman of the Senate Labor and Human Resources Committee agree on the unique role of small business?

Mrs. KASSEBAUM. Mr. President, the bill I introduced enables both local chambers and small businesses to compete with the public sector in the course of restructuring the Federal training system. I believe local chambers of commerce—in addition to small businesses—are uniquely positioned to operate one-stop centers and to serve as training providers. Today, local chambers are leading the way in many of the Nation's most innovative and effective work force development initiatives. I understand the U.S. Chamber of Commerce has undertaken a major initiative to mobilize local chambers of commerce to be in the vanguard in this effort to revolutionize training for America's private sector.

Similarly, regional and local affiliates of the National Association of Manufacturers serve as a strong intermediary source in bringing business, education and government leaders together at the State and community level to form meaningful and sustained work force development programs.

Mr. DOLE. Mr. President, I thank my colleague from Kansas for opening discussion on the important role that business brings to the table. With strong private sector input, efforts to turn primary responsibility for education programs to the State and local levels will hold much promise.

Mrs. KASSEBAUM. I appreciate the comments from the Senate majority leader on this important issue and I ask unanimous consent to have printed in the RECORD a letter from the chamber of commerce with an accompanying statement.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, October 5, 1995.

MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 73 American Chambers of Commerce abroad, urges your support for the Workforce Development Act (S. 143), which is scheduled for floor consideration on October 10.

The Workforce Development Act, sponsored by Senator Nancy Kassebaum (R-KS), contains many provisions that the Chamber supports. S. 143 would consolidate and decentralize roughly 100 federal education and training programs into a simpler, integrated block grant system for states. The bill also would enable small businesses and local chambers of commerce to compete with the public sector in the delivery of education and training services; recognize the important role of business in the design and implementation of the new system; and promote the effective use of technology and the development of labor-market information to orient education and training services.

In additional to these provisions, the Chamber is encouraged that the Workforce Development Act maintains the important goal of preparing students and workers for skills needed in the modern workplace. S. 143 aims to achieve this goal by adopting many new approaches to workforce development. Examples include promoting the use of vouchers rather than funding streams for institutions and programs; establishing user-friendly, one-stop delivery centers where individuals and employers can share and obtain relevant job information; opening the door to new measures of accountability rather than relying on the old measure of bureaucratic processes; and encouraging the creation of effective business-education partnerships.

Many, if not most, of these provisions are found in the Chamber's policy statement on restructuring the federal training and employment system. A copy of this statement is attached, for your review.

For American business, the knowledge and skills of employees are the critical factors for economic success and international competitiveness. The Workforce Development Act embodies language that can help achieve this end by creating a world-class workforce development system that is responsive to today's skill needs. Again, we urge your support for S. 143, and your opposition to any weakening amendments. Doing so will dramatically enhance the possibility of enacting meaningful workforce development legislation during the 104th Congress.

Sincerely,

R. BRUCE JOSTEN,
Senior Vice President,
Membership Policy Group.

STATEMENT ON RESTRUCTURING THE FEDERAL TRAINING AND EMPLOYMENT SYSTEM

The U.S. Chamber recognizes that America's training and employment system is inadequate to meet the demands of rapidly evolving technologies and intensifying global competition. The current system is fragmented and duplicative, and often fails to provide workers and employers with the fast and effective training and placement services they need. Equally compelling is the fact that growing numbers of workers are becoming permanently displaced through structural changes in government policy and corporate restructuring, as opposed to cyclical changes in the economy. These weaknesses in the existing work-to-work transition system need to be resolved.

The U.S. Chamber, therefore, supports restructuring the federal training and employment system to make it more responsive to the needs of dislocated workers and skill requirements of employers. To be effective, it is essential that the new system reflect the following principles:

The business community must be centrally involved in all phases of the restructured system's design, development, operation, and evaluation.

The new system must not impose any new federal mandates or regulatory burdens upon employers. It must not be financed through the creation of a new tax or an increase in any current tax on business.

The new system should assist workers in pursuing job search and placement assistance, career advancement, and a career change. Services must be delivered as promptly and effectively as possible to help employers make quicker and less costly connections with prospective employees. Training services must reflect the local and regional skill needs of employers.

Information regarding career and training services should be offered competitively at the local level. Service providers may include representatives of the private sector. The creation and governance of the streamlined system must be business led. Attempts should be made to factor in the education, employment and training programs of all federal agencies.

There must be sufficient state and local flexibility incorporated into the design and implementation of the new re-employment system. Provisions to maintain accountability and standards of quality at the state and local level should be a part of the national restructuring plan.

The current labor market information system must be strengthened and enhanced. Voluntary occupational skills standards should be integrated into this system, so dislocated workers can know exactly what types of skills they will need for certain occupations.

In addition to strengthening state and local flexibility, the private sector should be encouraged to compete for the delivery of education, employment and training services. One way to help spur local competition and encourage public sector programs to operate more efficiently is to put financial resources directly in the hands of individuals to pursue private or public sector post-secondary education and training. The overall goal should be to improve the learning and achievement of individuals and help them to succeed in the workplace of the 21st century.

Block grants are considered a viable mechanism for diminishing control from the federal government and increasing state and local flexibility. State and local workforce development plans emerging from the block grants must maintain the goal of preparing students and workers for skills needed in a high performance workplace. Appropriate performance and skill standards and accountability measures should be incorporated into state and local programs that emanate from the block grant system.

Mr. SIMON. Is it not your understanding that nonresidential programs for at-risk youth described under section 161(b) (2) and (3) of the bill, could be provided by local, community-based organizations?

Mrs. KASSEBAUM. Yes, of course. The States could elect to provide these services through such organizations or other organizations in the private sector.

AMENDMENT NO. 2896

(Purpose: To make amendments with respect to museums and libraries)

Mr. PELL. Mr. President, I send an amendment to the desk on behalf of Senator JEFFORDS and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] for himself and Mr. JEFFORDS, proposes an amendment numbered 2896.

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

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

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

Mr. PELL. Mr. President, the House of Representatives recently approved the Careers Act which contains extensive provisions regarding library services. This is the companion bill to the legislation we are now considering and the bill the House will bring to conference, Senate bill 143.

I am of the mind we should have library services provisions formally on the table when we go to conference with the House. Thus, the amendment now being offered would include the Institute of Museum and Library Services reauthorization as part of S. 143.

Those provisions stress the importance of both museums and libraries to literacy, economic development and most importantly, the work force development, all of which are relevant and important to the bill now under consideration.

Mr. President, I believe this amendment is or should be considered noncontroversial, and I urge its approval.

Mr. JEFFORDS. I rise today in support of the amendment offered by my distinguished colleague from Rhode Island, Senator PELL, and myself which would incorporate the Institute of Museum and Library Services as part of S. 143, the Workforce Development Act of 1995.

Libraries have been key players in developing literacy programs and it only makes sense to include the Institute for Museum and Library Services [IMLS] as part of this bill today. The problem of illiteracy is of great concern to me and I believe that we should not pass up this opportunity today to recognize the power and purpose that libraries have in dealing with this problem and finding solutions to it. Libraries have made a positive impact in communities throughout the Nation and have been instrumental in enhancing educational and lifelong learning opportunities. Because of its focus on literacy as well as workforce and economic development, I believe that ensuring that the IMLS is part of the S. 143 is an action which will benefit individuals in all of our States. The Pell/Jeffords amendment today represents a holistic and winning approach to lifelong learning.

Mr. President, I am especially pleased that the Artifacts Indemnity Act has been included as part of this amendment. The Indemnity Program, created in 1975, has been an extraordinarily successful program. I believe that there has been only one claim for a very modest amount of money since it first began 20 years ago. Over the years, I have had many opportunities to speak with museum directors who have shared with me their thoughts on the importance of this program along with frustrations regarding the difficulty they have had in getting insurance for their exhibitions to travel throughout the United States, or for bringing some of the great U.S. exhibitions to their region. In response to those conversations, an extension of the indemnity program for domestic exhibitions has been included. We have also moved administration of this program to the Institute of Museums and Library Services, which I believe is a sensible and logical change that will only enhance the program's successes.

So again, I would like to thank the Senator from Rhode Island for offering his assistance in crafting this amendment and look forward to its adoption.

Mrs. KASSEBAUM. Mr. President, I do not believe there is an objection on either side of the aisle regarding this amendment.

Mr. KENNEDY. The Senator is right. We appreciate the Senator bringing this to the attention of the Members. We hope it will be included.

Mrs. KASSEBAUM. I urge the adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2896) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2897

(Purpose: To make technical amendments)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 2897.

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

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

The amendment is as follows:

On line 19, strike lines 5 through 14 and insert the following:

(35) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who receives welfare assistance.

On page 50, strike lines 7 through 12 and insert the following:

viduals to participate in the statewide system; and

(N) followup services for participants who are placed in unsubsidized employment.

On page 65, lines 5 and 6, strike "section 103(a)(1)" and insert "this subtitle for workforce employment activities".

On page 69, line 10, strike "and" and insert a comma.

On page 69, line 14, strike "and" and insert "or".

On page 70, line 7, strike "and" and insert "or".

On page 70, line 14, strike "and" and insert "or".

On page 70, line 19, strike "and" and insert "or".

On page 70, line 20, strike "to" and insert "for".

On page 71, line 12, strike "and" and insert "or".

On page 71, line 21, strike "and" and insert "or".

On page 96, strike line 6 and insert the following:

(1) IN GENERAL.—

(A) NEGOTIATION AND AGREEMENT.—After a Governor submits

On page 96, between lines 13 and 14, insert the following:

(B) WORKFORCE EDUCATION ACTIVITIES.—In carrying out activities under this section, a local partnership or local workforce development board described in subsection (b) may make recommendations with respect to the allocation of funds for, or administration of, workforce education activities in the State involved, but such allocation and administration shall be carried out in accordance with sections 111 through 117 and section 119.

On page 108, strike lines 10 through 12 and insert the following:

(A) welfare recipients;

In subparagraph (B)(ii) of the matter inserted on page 114, after line 14, strike "reduce" and insert "reduce by 10 percent".

In subparagraph (C)(iii) of the matter inserted on page 114, after line 14, strike "strategic plan of the State referred to in section 104(b)(2)" and insert "integrated State plan of the State referred to in section 104(b)(5)".

After subparagraph (D) of the matter inserted on page 114, after line 14, insert the following:

(E) DEFINITION.—As used in this paragraph, the term "portion of the allotment"—

(i) used with respect to workforce employment activities, means the funds made available under paragraph (1) or (3) of section 103(a) for workforce employment activities (less any portion of such funds made available under section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)); and

(ii) used with respect to workforce education activities, means the funds made available under paragraph (2) or (3) of section 103(a) for workforce education activities.

On page 175, line 25, strike "; and" and insert a semicolon.

On page 176, line 2, insert "and" after the semicolon.

On page 176, between lines 2 and 3, insert the following:

(E) career development planning and decisionmaking;

On page 176, line 11, strike the period and insert ", including training of counselors, teachers, and other persons to use the products of the nationwide integrated labor market and occupational information system to improve career decisionmaking.".

On page 184, lines 18 through 20, strike ", which models" and all that follows through "didactic methods".

On page 222, line 10, strike "from" and insert "for".

On page 239, line 19, strike "of" and insert "of the".

On page 248, line 23, strike "98-524" and insert "98–524".

On page 250, line 11, strike "and" and insert "and inserting".

On page 255, line 25, add a period at the end.

On page 290, line 14, strike "to" and insert "to the".

On page 290, line 17, strike "(a) IN GENERAL.—".

Beginning on page 290, strike line 23 and all that follows through page 291, line 5.

On page 292, strike lines 9 through 12 and insert the following:

(a) IN GENERAL.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended to read as follows:

On page 293, strike lines 2 through 13 and insert the following:

tion.".

On page 294, lines 9 through 14, strike "subsection (b)" and all that follows through "(2)" and insert "subsection (b)(2)".

On page 296, line 12, strike "to" and insert "to the".

On page 304, line 6, strike "members'" and insert "member's".

On page 309, lines 20 and 21, strike "technologies" and insert "technologies,".

On page 311, line 7, strike "purchases" and insert "purchased".

Mrs. KASSEBAUM. Mr. President, this is an amendment that bears technical and conforming amendments that I believe has been cleared on both sides of the aisle.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we urge the acceptance of this amendment and appreciate the working out of the technical issues which have been included in this proposal.

We urge the Senate to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2897) was agreed to.

THE REPEAL OF THE MCKINNEY ACT PROVISIONS FOR HOMELESS CHILDREN AND YOUTH

Mr. DOMENICI. I would first like to thank Senator KASSEBAUM for her excellent work on this long-awaited legislation to improve the delivery of America's work force training and education programs. This is a mammoth task well done, and I look forward to final passage this morning. Let me say, however, that I have a serious concern about homeless children that I would like to clarify with the Senator.

The legislation before us in its present form repeals the McKinney Homeless Assistance Act provisions for the Homeless Children and Youth Program. I believe this is an oversight and I agree with the chairman's intent to repeal the McKinney Act job training provisions to include them in this much improved legislation for those purposes. Unfortunately, the repeal language includes a repeal of the program for homeless children. This critical program helps homeless children to enroll in and attend school.

Before the McKinney Homeless Assistance Act, almost half of all school aged homeless children were not in school at any given time. The very poor attendance was caused in large part by school policies that did not take into account the unique problems of homeless families.

Residency requirements, for example, often prevented homeless families from enrolling their children in school because by definition a homeless family did not have an address that could be used to prove residence in a district. Furthermore, because a number of shelters only allowed people to stay for 30 days at a time, homeless families were often forced to move from shelter to shelter.

If these shelters were zoned for different schools, as is often the case, the children were forced to transfer as frequently as the families moved. This is a most difficult hurdle for any family, and more so for homeless families. Frequent school changes impede rather than promote the education of homeless children. Transfer of records between schools slowed the process even more, often keeping children out of school for weeks at a time.

To address this problem, we created the Education for Homeless Children and Youth Program in the McKinney Act. This program for homeless children requires States and local governments to ease the types of barriers I have described and to improve the support mechanisms for homeless children in schools. This program also provides money to States to identify homeless students, ease transfers and placements, and provide tutoring and school supplies.

I am proud to say that this program has made a difference. Since 1987, school attendance by homeless children nationally has risen from 50 percent to 82 percent and continues to increase each year. These improvements occur despite the fact that the number of homeless children continues to rise with the number of homeless families, as reported by the U.S. Conference of Mayors.

For homeless children, education will be their best chance to break the cycle of poverty. This McKinney Act program ensures that homeless children will have access to that chance. Now is not the time to repeal this program.

I understand, Senator KASSEBAUM, that you have indicated your support for the continuation of the McKinney Act Education for Homeless Children and Youth Program. Since the technical language of S. 143 repeals this program along with job training for homeless adults, I also understand that it is your intention to revisit this matter in conference.

I hope the Senator can reassure me that it is not her intent to repeal the McKinney Act program for homeless children, and that she will work in conference to assure that the final bill contains explicit protections for homeless children so that the progress we have made in helping homeless children continues.

Mrs. KASSEBAUM. Yes, I support the McKinney Act program for homeless children, and I appreciate the effort of the Senator from New Mexico in bringing this matter to the attention of the Senate. I assure the Senator and the Senate that I will work in conference to protect this program for homeless children by accepting language to ensure its continuation. I thank the Senator on behalf of homeless children and their families. They know the full benefits of this McKinney Act program for school placement and support and should have every assurance of its continuation.

NOTE

Due to a printing error, a statement by Senator HARKIN on page S14840 of the RECORD of October 10, 1995, appears incorrectly. The permanent RECORD will be corrected to reflect the following correct statement.

SUPPORT OF THE PROVISIONS PERTAINING TO INDIVIDUALS WITH DISABILITIES

Mr. HARKIN. Mr. President, as ranking member of the Subcommittee on Disability Policy, I would like to take a few minutes to discuss the applicability of S. 143, the Work Force Development Act, to individuals with disabilities.

I would like to compliment Senator KASSEBAUM, the sponsor of the legislation and chair of the Committee on Labor and Human Resources, and Senator FRIST, the chair of the Subcommittee on Disability Policy, for including specific provisions in S. 143 that will enhance our Nation's ability to address the employment-related needs of individuals with disabilities, including individuals with significant disabilities. I am particularly pleased that these provisions were developed on a bipartisan basis and enjoy the broad-based support of the disability community.

On January 10, 1995, the Labor Committee heard testimony from Tony Young, on behalf of the employment and training task force of the Consortium for Citizens With Disabilities. CCD urged the Senate to recognize the positive advances made in the 1992 amendments to the Rehabilitation Act of 1973 and to take a two-pronged approach to addressing the needs of individuals with disabilities in our jobs consolidation legislation. I am pleased that the Senate bill adopted this two-pronged approach.

Under prong one, S. 143 guarantees individuals with disabilities meaningful and effective access to the core services and optional services that are

made available to nondisabled individuals in generic work force employment activities and to work force education activities described in the legislation, consistent with nondiscrimination provisions set out in section 106(f)(7) of the legislation, section 504 of the Rehabilitation Act of 1973, and title II of the Americans With Disabilities Act.

The commitment to ensuring meaningful and effective access to generic services for individuals with disabilities is critical. Advocates for individuals with disabilities have often expressed concern that many current generic job training programs such as JTPA have not met the needs of individuals with disabilities. Ensuring access to generic services is critical for many people with disabilities who can benefit from such services.

The promise of access to generic services is also illustrated through other provisions in S. 143. The purposes of the bill—(section 2(b))—include creating coherent, integrated statewide work force development systems designed to develop more fully the academic, occupational, and literacy skills of all segments of the population and ensuring that all segments of the work force will obtain the skills necessary to earn wages sufficient to maintain the highest quality of living in the world. The content of the State plan set out in section 104(c) of S. 143 must include information describing how the State will identify the current and future work force development needs of all segments of the population of the State. The term all is intended to include individuals with disabilities.

The accountability provisions in S. 143—(section 121(c)(4)—specify that States must develop quantifiable benchmarks to measure progress toward meeting State goals for specified populations, including at a minimum, individuals with disabilities.

Under S. 143, State vocational rehabilitation agencies must be involved in the planning and implementation of the generic system. For example, under section 104(d) of S. 143, the part of the State plan related to the strategic plan must describe how the State agency officials responsible for vocational rehabilitation collaborated in the development of the strategic plan. Under section 105(a) of S. 143, the work force development boards must include a representative from the State agency responsible for vocational rehabilitation and under section 118 of S. 143, local work force development boards must include one or more individuals with disabilities or their representatives.

Under prong two the current program of one-stop shopping for persons with disabilities, particularly those with severe disabilities, established under title I of the Rehabilitation Act of 1973, as amended most recently in 1992, is retained, strengthened, and made an integral component of the statewide work force development system.

The current vocational rehabilitation system has helped millions of individuals with disabilities over the past 75 years to achieve employment. Since the 1992 amendments, the number of individuals assisted in achieving employment each year has increased steadily. In fiscal year 1994, 203,035 individuals achieved employment, up 5.8 percent from fiscal year 1992, the year just prior to the passage of the amendments. Data for the first three quarters of fiscal year 1995 show a 8.4 percent increase in the number of individuals achieving employment as compared to the first three quarters for fiscal year 1994.

In fiscal year 1993, 85.7 percent of the individuals achieving employment through vocational rehabilitation were either competitively employed or self-employed. Seventy-seven percent of individuals who achieved employment as a result of the vocational rehabilitation program report that their own income is the primary source of support rather than depending on entitlement or family members.

The percent of persons with earned income of any kind increased from 21 percent at application to 90 percent at closure. The gain in the average hourly wage rate from application to the achievement of an employment outcome was $4.36 per person. Of the individuals achieving employment in fiscal year 1993, their mean weekly earnings at the time of their application to the program was $32.20, compared to $204.10 at closure, an average weekly increase of $164.90.

In 1993, the General Accounting Office [GAO] found that an individual who completed a vocational rehabilitation program was significantly more likely than an individual who did not complete the program of working for wages 5 years after exiting the program. In addition, the GAO found that individuals who achieved an employment outcome demonstrated four times the gain in wages compared to the other groups studied.

I am also pleased to share with my colleagues the positive impact that vocational rehabilitation is having in my home State of Iowa. During fiscal year 1993–94, 5,717 Iowans with disabilities were rehabilitated through the Division of Vocational Rehabilitation Services [DVRS]. At referral to DVRS, 33 percent have weekly earnings; at closure the rate went to 98 percent. Average weekly earnings rose from $49.94 at referral to $229.45 at closure. In addition, the Iowa Department for the Blind provided 765 blind persons with vocational rehabilitation services. At closure the average weekly income was $352.00. Seventy-three percent of those rehabilitated found work in the competitive labor market, including work in occupations such as psychologist, tax accountant, teacher, food service, and radio repair.

Mr. President, as I explained previously in my remarks, under S. 143, title I of the Rehabilitation Act, as amended most recently in 1992, is not repealed; rather it is retained, strengthened, and made an integral component of the statewide work force development system.

For example, the findings and purposes section of title I of the Rehabilitation Act are amended to make it clear that programs of vocational rehabilitation are intended to be an integral component of a State's work force development system. Further, the amendments clarify that linkages between the vocational rehabilitation program established under title I of the Rehabilitation Act and other components of the statewide work force development system are critical to ensure effective and meaningful participation by individuals with disabilities in work force development activities.

Section 14 and section 106 of title I of the Rehabilitation Act pertaining to evaluations of the program are amended to make it clear that, to the maximum extent appropriate, standards for determining effectiveness of the program must be consistent with State benchmarks established under the Work Force Development Act for all employment programs.

Provisions in the State plan under title I of the Rehabilitation Act of 1973 are also amended to include specific strategies for strengthening the vocational rehabilitation program as an integral component of the statewide work force development system established by the State. A cooperative agreement will be required to link the VR agency with the consolidated system. The cooperative agreement will address each State's unique system and will assure, for example, reciprocal referrals between the VR agency and the other components of the statewide system. The linkages will also assure that the staff at both agencies are adequately and appropriately trained. Most importantly, the linkages must be replicated at the local level so that the local office of the VR agency is working closely with the one-stop center in the community to make a seamless system of services a reality.

Many State vocational rehabilitation agencies, including the agency in Iowa, are already involved with efforts to link vocational rehabilitation with other components of the statewide system of work force development. The States that report the most success are those where the vocational rehabilitation agencies are involved in the consolidation efforts at the early planning stages. The other aspect that is critical to ensure success is the replication of cooperative agreements in local communities so that the VR counselors are working closely with the other job training programs in the statewide system.

In closing, Mr. President, I strongly support the provisions of S. 143 pertaining to individuals with disabilities. The bill ensures meaningful and effective access to the generic training and education programs. In addition, the amendments to the Rehabilitation Act of 1973 will strengthen and support the involvement of vocational rehabilitation in a State's seamless system of work force development while ensuring the continued integrity and viability of the current program.

Ms. MIKULSKI. Mr. President, I am pleased to support the Workforce Development Act. It confronts one of the most important issues affecting this Nation today—that is to make sure that America's work force is job ready for the 21st century.

Mr. President, I like this bill because it creates a one-stop delivery system for employment services. It recognizes the needs of dislocated workers; and it helps to streamline the job training process for everyone, including welfare recipients, by consolidating existing job training programs.

First, I like one-stop shopping, and I like streamlining the process. With this bill, States will be required to create one-stop career centers offering access to anyone who needs it. One-stop career centers mean more centralized services all in one place. They make the job training system more efficient and more effective.

Anyone who wants to can go to one location for job placement, job assistance, and job referral. One-stop centers link workers to the full range of services they will need, and I think that is great.

My State of Maryland is ahead of the game in creating one-stop centers. Maryland's one stop center in Columbia, MD is up and running and helping to make job training services easier and more efficient for all Maryland workers. It is an idea that I wholeheartedly support.

Second, Mr. President, I especially like the amendments to this bill that protect dislocated workers. Senator DODD has worked very hard to include a provision that creates a rapid response emergency fund for people affected by base closing, plant closing, and natural disasters.

In Maryland, we have seen tremendous job loss, plant closures, and company downsizing. According to the Baltimore Sun, Maryland could lose 20,000 to 50,000 Federal jobs in the next 5 years. That is a lot of jobs, a lot of people, and lot of families that will receive a big financial blow.

The Dodd amendment is very important to Maryland families who have lost income due to base closing—like Fort Richie, White Oak, David Taylor in Annapolis, and the Army Publications Distribution Center in Middle River.

These workers are men and women who have mortgages to pay, homes to heat, and other bills to pay in order to keep their families going. They need to know that their concerns were heard.

Further, Mr. President, Senator BREAUX and Senator DASCHLE have also offered an amendment to create vouchers for dislocated workers. The amendment further improves the bill by maximizing dislocated workers ability to chose what job training best fits their needs. They can make their own judgments and determine their own future.

I support the Dodd and Breaux amendments on behalf of all the Marylanders who have lost their jobs or who stand to lose their jobs today, tomorrow and in the future.

I am also pleased that we will continue our commitment to workers who have lost their jobs through changes in the international market.

I am talking about the importance of keeping our promises. Promises we made to protect workers from the possible effects of NAFTA and GATT.

I am pleased that this bill will not repeal the Target Adjustment Act, and instead preserves our responsibility to help dislocated workers. That is why I support Senator MOYNIHAN's amendment to take the Trade Adjustment Act out of this bill.

Third, Mr. President, the Senate recently considered welfare reform legislation. Welfare reform and the job training bill we consider today must work hand-in-hand.

If we want to be successful in keeping people off welfare, we must have in place a system that will allow people to change careers and change skills when the economy and technology forces them to.

I think that good job training programs are important to making welfare reform efforts successful. Welfare reform is about helping people get into jobs and stay jobs through job training and part-time work. This bill does that.

The one-stop centers created in this bill will allow welfare recipients to get the help they need to be job ready. They will get job counseling, skills assessment and other services all in one place. I believe that everyone can be well prepared, self sufficient and successful.

Finally, Mr. President, a lot of progress was made to improve this bill since the Labor Committee markup. I support the changes and the amendments improving the job training programs so that they operate more efficiently.

Also, I am pleased that this bill does not repeal title V of the Older Americans Act, the Senior Employment Program.

When the Labor Committee considered this bill, I had very serious concerns about how it would impact on our seniors. I offered an amendment in committee to take the Senior Employment Program out of the block grant because it provides an important service to seniors in this country. And although my amendment lost in committee, the Senior Employment Program has been removed from the bill we consider today.

The Senior Employment Program provides over 100,000 seniors an opportunity for employment, community service, and self-reliance.

Throughout this Nation, the Senior Employment Program is essential to providing important community services. Libraries are kept open in Baltimore so children can read. Ailing older people and children receive care through child and adult day care. Seniors and homebound persons in Catonsville and Hagerstown receive nutritious meals at senior centers and through Meals-on-Wheels.

Mr. President, this program is based on the principles of personal responsibility, lifelong learning, and service to community. It is too important to seniors to be considered as part of this bill, and it should rightfully be considered as part of the Older Americans Act reauthorization.

I would like to thank the Labor Committee chair, Senator KASSEBAUM, for her willingness to work with me to remove the Senior Employment Program from this block grant.

Mr. President, I am all for the idea of one-stop shopping, streamlining and simplifying the job training process, providing assistance for job readiness, and promoting some State flexibility. I am supporting this bill because I believe that job training and education are vital to creating a productive work force.

I commend Senator KASSEBAUM and Senator KENNEDY for their work on this bill and I look forward to its passage.

Mr. ABRAHAM. Mr. President, today the Senate will complete its consideration of the Work Force Development Act, legislation which will reform the existing system of Federal job training programs. As a member of the Committee on Labor and Human Resources, I recommend this bill to my colleagues for three specific reasons.

This bill before us will reduce the size and scope of the Federal Government's bureaucracy by eliminating a number of ineffective or duplicative job training programs and, in addition, consolidating many others. This legislation will shift much of the resources and responsibility for operating the remaining programs to the States which are better capable of designing and running effective education and job training programs. Finally—and I believe most importantly—these reforms will help ensure that American workers have the necessary education and skills to compete successfully in the global economy our Nation faces as we enter the 21st century.

Before I elaborate on each of these important endeavors, let me first commend the Senator from Kansas, the chairman of the Senate Committee on Labor and Human Resources, for her dedication to this issue and for her efforts to develop this measure and bring it to the floor. This has been an area of longstanding interest for the chairman, and her staff along with all of the members of the committee have been working on this legislation the entire year. In fact, job training reform was the subject of the first hearings the Labor Committee held this session.

Mr. President, it also should be noted that the chairman and the committee staff have worked very closely with the Governors—Democrat and Republican alike—in developing a structure for this work force development system which will allow the necessary Federal oversight to ensure accountability for the States while still providing them with tremendous flexibility. As with welfare reform, this bill represents the advent of a renewed effort toward consultation and cooperation between the Federal Government and the States. This new Federal-State relationship is critical not only to making programs such as job training and welfare successful, but it is essential to solving many other problems confronting our society as well.

Mr. President, let me return to the accomplishments of this legislation. First is the issue of eliminating unnecessary duplication and bureaucracy among the existing Federal job training programs.

At last count, according to the Government Accounting Office, there are 163 separate Federal job training programs being run by 1 of 15 Federal agencies. Altogether, these programs cost taxpayers more than $20 billion a year. While those numbers alone are astounding, what is even more surprising is the incredible overlap and redundancy of many of these programs. For instance, there are at least 60 programs aimed at assisting the economically disadvantaged, including 34 programs designed to address literacy alone. To add to the confusion, many of these same programs have differing standards for assessing income and other eligibility criteria.

However, Mr. President, perhaps the most shocking aspect of the present Federal job training system is the near total lack of accountability. There is essentially no reliable record of results. Fewer than half of the sixty-two training programs scrutinized in a recent GAO investigation bothered to keep track of whether participants had obtained jobs following their training. And only a handful of those programs chose to evaluate whether the training that was provided proved integral to securing employment or whether the individual participant could have obtained the job without receiving the training in question.

Mr. President, these facts alone would warrant a dramatic overhaul of the Federal job training system with the goal of eliminating ineffective programs, consolidating programs with identical or similar constituencies and services, and creating a reliable measure of accountability. However, I believe we should go further. And in this bill, we do.

In the legislation which is before us, we give the States the resources and the responsibility to establish their own comprehensive, integrated statewide work force development systems. We allow each State to develop a network of education, job training and employment services which reflects their own unique needs and circumstances. Yet we also demand results from the States and have devised a means by which we can assure fairness, integrity, and results.

Why, Mr. President, is it so important that the States be given the responsibility for running these programs? There are two basic reasons. The first is efficiency. It should come as no surprise that any Federal job training system—responsible for serving all 50 States—would suffer from inordinate overlap and redundancy. The present system has 19 programs which target youth, as well as several programs serving each of a variety of constituencies, including veterans, seniors, dislocated workers, and displaced homemakers.

States, however, are better situated to determine the actual needs of particular constituencies—to the extent those needs differ from that of other individuals seeking assistance. And States are much more likely than the Federal Government to have an accurate assessment of the realistic job opportunities which exist within the State's economy. As Father Bill Cunningham of Detroit's fabulously successful Focus: Hope training program told the Labor Committee back in January: Before any job training program can be successful, we must understand the difference between simply providing jobs for people and that of providing capable and skilled persons to meet the job demands. That is a critical distinction, but one that is often overlooked.

Mr. President, a significant problem with the current system is that it is both diffuse and duplicative; individuals seeking assistance often have no idea of where to turn for the help they need. And the various outlets for services usually have no capability or network they can utilize to connect those individuals with particular needs with the services they require. The States are better suited to devise and operate a comprehensive, integrated system that will address these shortcomings while still remaining sensitive to local needs and problems. Whereas the current system generally creates an new program to address every exigent circumstance, States can create a central system which will meet a variety of needs and demands and serve a diverse array of clientele.

In the State of Michigan, we have already spent enormous time and effort creating our own statewide work force development system, one that we call Michigan Works! The Michigan Works! system utilizes an approach known as no wrong door. This concept means that through whatever point you access the State work force development system, you will either be directly provided or put in contact with any of the services you need.

Mr. President, this is the case:

If you are an adult on public assistance trying to get your high school equivalency degree so you can get a job; or

If you are working at a low skill, low wage job, and you are desiring to learn a trade or a skill which will allow you to find a better job and earn a better living to support you and your family; or

If you are a laid-off assembly line worker who wants to receive computer training or another high-technology skill to prepare you for the high-wage jobs that are increasingly the boon of our economy.

Regardless of who you are or where you enter the system, all the services you could possibly need are only a phone call away because Michigan Works! has instituted a 1-800 number to facilitate access into its work force development system.

Mr. President, the second reason that States ought to be given control of these job training programs is one to which I have already alluded: namely, flexibility.

Each State has its own distinct demographic or economic concerns that require a unique approach, and Michigan is no different. However, Michigan must also take into consideration its geographical diversity as well. Michigan's southeastern and south central regions are primarily urban and suburban, whereas the western and northern portions of Michigan's Lower Peninsula are predominantly rural. And the most obvious unique feature that Michigan has to contend with is the Upper Peninsula. While the Upper Peninsula is many areas is essentially remote wilderness, there are still over 300,000 people living there. With the area economy linked as it is to agriculture and tourism, the unemployment rate during the winter months can be as high as 20 to 25 percent. And this is true as well for a number of areas in the northern portion of the Lower Peninsula.

Obviously, these contrasting areas will require vastly different approaches by the Michigan Works! system if the residents of these areas are all to be served adequately. It would not be

logistically feasible or economically efficient for us to have every possible resource or service that a person in the Upper Peninsula might need available just around the corner. That is just not practical. So for Michigan it is imperative that options exist beyond the conventional notion of the one-stop career center, where all of the requisite services are available in one central location.

Michigan Works! envisions having several different service delivery options. One of these, the multiple points of entry would be ideal for the Upper Peninsula since it proposes to electronically link work force development agencies with service delivery providers and customers—even when all three may be separated geographically. Another option would possibly be ideal for the rural areas of the northern southern peninsula and among the smaller cities sprinkled throughout western Michigan. The hub and cluster model would contain a main center with several multiple points of entry throughout the given region to provide outreach and additional service delivery. These mechanisms could be combined with one-stop centers in our major urban areas to comprise Michigan's statewide work force development system. This array of options is possible precisely because of the flexibility afforded States in this legislation.

Finally, Mr. President, the most compelling reason I find for reforming our Federal job training system is the issue of our international economic competitiveness. To paraphrase the conclusion drawn in the committee report: Faced with increasingly stiff global competition, corporate restructuring, and continuing Federal budget deficits, our country cannot afford to support a job training system that wastes precious resources, fails to help train people for the jobs of tomorrow, and does not assist employers by providing a work force which meets their labor needs.

One of the criticisms of this bill is that it does not mandate the continuation of local work force development boards. While that is true, States are still required to institute some form of State-local partnership to promote adequate consultation and cooperation. And if States do establish local development boards, a majority of the members of these board must come from business and industry. Business must be a key, if not dominant, feature in the decisionmaking process in order for any work force development system to succeed. In Michigan, we are already committed to having local development boards, and we are committed to ensuring that the private sector is the dominant force on those panels.

Mr. President, to encourage States to establish local work force development boards, this bill offers such States an expanded array of permissible economic development activities for which they can utilize funds from their so-called flex account. These economic development activities represent the cutting edge of any truly innovative work force development system. They include:

Customized assessments of the skills of workers and an analysis of the skill needs of employers in the State;

Upgrading the skills of incumbent workers;

Productivity and quality improvement training programs for small- and medium-sized employers;

Recognition and use of voluntary, industry developed skill standards;

Training activities in companies that are developing modernization plans in conjunction with State industrial extension service offices; and

Onsite, industry specific training programs supportive of industrial and economic development.

Mr. President, I believe activities such as these are instrumental to any successful statewide work force development system. They are also exactly the type of policies which will improve our ability as a Nation to prosper in an increasingly competitive modern global economy. With the pace of advances made in technology and the increasing frequency with which American workers change jobs, it is of paramount importance that workers, businesses, and whole industries be able to adjust rapidly to such circumstances by bolstering existing training or learning new skills. Mr. President, now is the time to lay the ground work for such a capability and enhance our competitiveness heading into the next century. This bill represents a golden opportunity to accomplish this important objective.

In conclusion, Mr. President, I support this legislation because it accomplishes three of the primary goals I had in coming to Washington as a U.S. Senator. It eliminates Federal Government waste by reducing ineffective or duplicative programs—and the bureaucracy which oversees them. It gives to States, localities, and the private sector much stronger control over matters such as education, job training, and economic development. And last, I believe this legislation will produce a vastly improved American work force development system and, in turn, increase American competitiveness in the years to come.

It is for those reasons that I strongly support this legislation, and I sincerely hope that the vast majority of my colleagues will see fit to support it as well.

Mr. President, I ask unanimous consent that a brief description of eight different training programs which are part of the Michigan Works! system be entered in the RECORD.

If my colleagues will look they will see that these programs are very innovative and quite often address a particular constituency or a unique need. These are exactly the types of programs which I believe will prosper and proliferate under the legislation we are considering today.

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

EXAMPLES OF MICHIGAN WORK FORCE DEVELOPMENT PROGRAMS

EARN WHILE YOU LEARN (NOMINATING SPONSOR: THE JOB FORCE)

Provides opportunities for youth to develop modern employment skills while instilling a spirit of community service.

Students decide when, where, and how the project will proceed.

Uniqueness: 1994 NaCO Award for Excellence recipient (one of three nationally).

Results: 80 percent of the students suffered no learning loss; 60 percent increased their scores on the Michigan Assessment Test in either Math or Reading.

ACCELERATED TRAINING PROGRAMS (THE JOB FORCE)

Bay De Noc Community College, Michigan Works!, MESC, Delta/Schoolcraft ISD, and local employers have collaborated their strengths, talents and resources in a flexible, results-oriented education and training system.

Program has integrated and coordinated various local, State and Federal resources to offer accelerated training program to local residents that meet the demands of the employer community.

The first venture was for an accelerated machine tool program. The program lasts for 12 weeks. There are 9 students enrolled. Eighteen employers will be on the training site to interview prospective students for employment.

Efforts are underway for the recruitment for a new class beginning in August. It is anticipated that 20 students will be enrolled into this program.

MDS CAA/HEAD START/FAMILY SERVICE (THE JOB FORCE)

The Job Force and MDS CAA Head Start program have joined together in developing the Family Service Center (FSC).

FSC is a demonstration project which will strengthen the capacity of both agencies in addressing the problems of families reaching self-sufficiency as they relate to illiteracy, employability, and substance abuse.

FSC offers employability skills training, employment training positions, while coordinating with DSS programs.

Program evaluation has reported that FSC participating families exceeded control families in almost all employment preparation and job seeker behaviors.

TECHNOLOGY EDUCATION PROGRAM TITLE IIC (REGION II)

Participating agencies: Jackson ISD, Hillsdale ISD, and Lenawee ISD.

Exposes JTPA eligible youth in a process to better understand the utilization of various work-related problem solving technologies.

Goal: Arouse participant career interests and encourage the development of individual education and employment goals thereby resulting in continued school enrollment and attendance.

CHRISTIAN OUTREACH REHABILITATION AND DEVELOPMENT (BERRIEN/CASS/VAN BUREN CO. SDA'S)

Collaboration between several organizations utilizing JTPA's work experience program.

Assists the 21st Initiative Neighborhood Housing Program create safe, affordable high quality homes for purchase by low and moderate income families.

Provides hands-on job training of basic construction skills, work ethic and work maturity.

Results: 85.7 percent positive retention rate through June, 1995.

MEDICAL INSURANCE BILLING (MIB) (KALAMAZOO/ST. JOSEPH)

A training program that is employer driven based on high demand, high wages and excellent placement and retention rates.

Participating agencies: local hospital, Kalamazoo Valley Community College, private industry, Upjohn Institute, and the PIC.

The hospital initiated the MIB program by identifying a need existed.

Kalamazoo Valley CC developed a customized training program and hired trainers.

The MIB program included core instructors who were employed in the medical field.

Customer satisfaction surveys received after the first MIB training resulted in improvements and changes.

Within 5 weeks of completing the training, 54 percent of the participants were employed in a medical practice with an average wage over $7.50 /hr.

WORKPLACE INCUBATOR (THUMB AREA)

Workplace incubators are designed to provide a simulated workplace situation which (1) supports regular work experience habits; (2) supports exposure to varying occupational areas; and (3) supports the overall development of an individual's work ethic.

Operating within the county-based Vocational Technical Centers in each of the four counties of the SDA.

Significant roles in preparing individuals for the real "world of work."

Uniqueness—one of the unique features of the incubators is its cost effect/cost efficient method of promoting and utilizing collaborative partnerships.

Partnership between DSS, ISD's, CBO's, local health dept, community colleges, adult ed providers, Cooperative Extension, local literacy, area employers, numerous non-profit agencies, MESC, CMH, and MRS.

Results: incubators compliment all other job training activities by adding the "real world of work" flavor in a relatively compact period of time.

Incubators are a cost effective/cost efficient job training activity which can be tailored to suit the needs of any locale and/or target population, and can easily be assimilated into most job training curriculums.

WOMEN FIRST! (MACOMB/ST. CLAIR)

Began in Jan. 1993 as a model targeted at communities where a higher percentage of female heads of household are living below the poverty level.

Project was committed to resolving 100 percent of the barriers that prevented women from successfully completing training programs that would start them on the road to economic independence by jointly coordinating outreach, case management and follow-up support.

The project has exemplified what can be accomplished when two agencies work together on behalf of customers.

Joint outreach coordinated by the PIC and Macomb Co Community Services Agency.

Results: Exceeded planned enrollment. As of May, three women were still attending training and 76 percent of the women were employed as a result of the Women First program.

INDIAN POSTSECONDARY VOCATIONAL EDUCATION

Mr. BINGAMAN. Mr. President, I am interested in preserving the current policy and practice in the Carl Perkins Act for Indian postsecondary vocational institutions. During each of the last 6 years $4 million has been authorized and $2.9 million has been appropriated each year to provide some stability and base operational support for the nationally accredited tribal postsecondary vocational education institutions. Both the Crownpoint Institute of Technology in New Mexico and the United Tribes Technical College in North Dakota are currently supported with these funds. My concern is that this support not be abandoned in the legislation under consideration. I understand that the senior Senator from Arizona, who chairs the Committee of Indian Affairs, would also like to address this issue.

Mr. McCAIN. Mr. President, I thank my colleague from New Mexico. I support the provisions in Senate bill 143 and would oppose any effort that would earmark funding for a specific Indian vocational institution, at the expense of all other Indian higher education institutions. I remind Senator BINGAMAN that the American Indian Higher Education Consortium, in a September 8, 1995, letter to him, strongly opposed such a proposal. I agree with them. To the extent there is less funding available for all 29 tribal postsecondary institutions throughout Indian Country in the coming fiscal years, the reductions should be shouldered by all of these schools in an equitable manner and in proportion to how the fiscal year 1995 funds were allocated. I know that this is the intention of my colleague from New Mexico. And, in fact, that is the intention of provisions that were developed by the Committee on Indian Affairs and that were incorporated into S. 143.

Mr. DOMENICI. Mr. President, I am pleased to join this discussion to clarify the intentions of The Workforce Development Act, S. 143, with regard to continued funding for Crownpoint Institute of Technology [CIT]. The fundamental concern we all have is that in replacing the Carl Perkins Act we are also potentially removing the only support CIT has for its basic operating expenses, and we clearly want to avoid this kind of financial disaster for CIT. The problem arises because CIT is the only tribally controlled community college or postsecondary vocational institute in Indian country that is not funded through the Department of the Interior. This odd situation is the result of the enabling legislation for Tribally Controlled Community Colleges that allows each tribe to have only one college. Since CIT and the Navajo Community College [NCC] are both on the Navajo Nation, only NCC qualifies for Interior funding under this act. CIT has relied on the Carl Perkins Act for its basic operating expenses, and receives no Interior Department funding. While fully supporting the block grant concept in this legislation, we want to assure the continuation of CIT and affirm the intention of this legislation to do so.

Mr. BINGAMAN. I thank the Senators. I have tried to maintain existing protections for the Crownpoint institution because of the important work it accomplishes. I do not want that to be at the expense of other fine tribal schools. And I thank the Senator from Arizona for clarifying that if there are funding reductions, they be applied proportionately to the tribal schools affected. I would ask the chairwoman of the Committee on Labor and Human Resources, Senator KASSEBAUM, whether she shares the views set forth by Senator McCAIN?

Mrs. KASSEBAUM. I thank the Senators for their comments. I wish to associate myself with Senator McCAIN's remarks in this regard. In a cooperative effort of our two committees, Senator McCAIN and I developed these provisions with the intention that funding be authorized among the various tribal schools in proportion to the Federal allocations that they have received in prior years.

Mr. McCAIN. Mr. President, I would like to additionally point out to the Senator from New Mexico that the House and Senate Committee report language reflects the intent that these funds should be distributed in the manner we have set forth.

Mr. BINGAMAN. I do thank the Senators for their remarks. It is my understanding then that if overall funding

levels are maintained, the equivalent of the level of base operational support provided in fiscal year 1995 should be allocated to these Indian vocational education institutions. But if funding for these purposes is less than fiscal year 1995 levels, a lesser amount would be distributed based on each school's share of the overall amount it received in 1995.

Mr. MCCAIN. That is my understanding.

Mr. BINGAMAN. Mr. President, I appreciate these clarifications and the commitment shown by Senators MCCAIN, KASSEBAUM, and DOMENICI.

REFORMING THE FEDERAL JOB TRAINING SYSTEM

Mr. WELLSTONE. Mr. President, I intend to vote for this job training legislation as an indication of my support for efforts to reform the Federal job training system into an integrated, comprehensive, State-based work force development system that serves the real needs of unemployed and underemployed workers. I believe the current system does need to be reformed, streamlined, and made more decentralized, and its performance must be measured more accurately. Though there are parts of this bill with which I still seriously disagree, I will vote today to move the process forward and send the bill into conference with the House.

We started this process several years ago when Democrats developed our own proposal to streamline the job training system. The scores of Federal programs, which spend over $20 billion annually, must be made more coordinated and more coherent, and must better meet the actual needs of job-seekers. On that we are all agreed.

We have come a long way from the original version of this bill that was put forth by Senator KASSEBAUM. The version we will vote on today, while still imperfect, is a more streamlined, more responsible piece of legislation than the one that was considered by the full Labor and Human Resources Committee some months ago.

The governance structure established by the original bill was unwieldy, unaccountable, and open to serious abuse, potentially giving quasi-private entities approval power over billions in Federal spending. It has been much improved, and now final authority and accountability rests with the Secretaries of Education and Labor, where it should be. There are still some refinements to be made in conference, including stronger accountability mechanisms and standards, to protect against potential abuses, but it is a marked improvement over the original proposal.

Since the House does not have such an unwieldy and convoluted governance structure, I hope the conferees will streamline and simplify it, making the lines of accountability clearer in the final bill. The provisions that require states to develop Statewide work force development plans, in consultation with local authorities, and that require benchmarking of their performance, with specific penalties if they have not performed well, have also been improved.

The amended version of the bill retains Job Corps as a national program, with strict national oversight standards, a zero-tolerance drug policy, and other key reforms. For people in my State served by the HHH Job Corps Center in the Twin Cities, which serves hard-to-serve young people who might otherwise be effectively shut out of our social and economic life together, retaining and strengthening Job Corps, while providing for new guidelines and performance benchmarks, was a key step forward. We heard in the committee from young people who had been helped by the HHH Center's programs, and by others in Job Corps Programs throughout the country. Though some Job Corps centers are in need of reform, much of which is required by this bill, I believe strongly in the program and will continue to support it.

We have also fixed the outrageous provision in the original bill that would have repealed the Federal Trade Adjustment Assistance Program for workers dislocated by U.S. trade policies—including NAFTA and GATT. I was an original cosponsor of this amendment because those programs have served thousands of people in my State, providing both job training and income support assistance during interim periods while they looked for new jobs, and I did not believe we could go back on our word to provide workers with such aid. Even those who supported NAFTA made this commitment to help these workers, and it would have been truly outrageous if our amendment had not been approved. Since the House version of the bill does not repeal this program either, I am confident the final version of the bill will preserve it.

There were several other key improvements to the bill that were made during Senate consideration. The Senate's adoption of the amendment to set aside funds for a rapid response fund, administered by the Secretary of Labor, for workers dislocated by mass layoffs like plant closures, disasters, or other similar contingencies, was critically important. In addition to this provision, there should also be a mandate that States must serve dislocated workers; that is not in the current version of the bill, and should be included in conference. While some States, perhaps most, will likely serve these workers, there should be a guarantee in the bill that they be served.

The bill provides for at least some assistance to migrant workers, though as under current law far less than is actually needed for that often desperately poor and mobile population. It provides key job protections for people in State employment service offices, and requires health and safety, antidiscrimination, and other protections for job training program participants.

It mandates that States provide at least some level of summer youth job training assistance, though I remain very concerned that efforts to virtually gut the program's funding in the appropriations process may yet be successful, leaving hundreds of thousands of American youth without jobs during the summer in some of the most desperate inner-city neighborhoods of our Nation. But I have fought the first round of that fight on the rescissions bill, and the second round of that funding fight will come later this month.

The bill imposes a cap on the amount of job training funds that can be used by States for economic development activities, to ensure against their being used as just an economic development honey-pot that does not serve the primary purposes for which these Federal funds are intended—job retraining and reemployment. It also includes key provisions, which I insisted upon when the Labor Committee considered the bill, which require that representatives of veterans be given a seat on work force development boards, and be consulted along with other community leaders as State job training plans are developed. I am pleased that my efforts to include these provisions in the bill were successful.

As I have said, there are still serious problems with this bill. Overall, it makes substantial cuts in job training program funding, at precisely the time we should be maintaining adequate funding, investing in the character, skills and intellect of our people. While there may be some modest administrative savings from consolidating programs, I think that the huge savings estimated by some are wildly exaggerated, and are nowhere near the amounts cut in this bill. These reduced levels undermine our ability to provide American workers with the job training, education, and employment services they need to meet the needs of the next century.

It also moves us a step away from a Federal system which targets resources to those who most need it—dislocated workers, economically disadvantaged adults, and others—a trend which could prove disastrous if cash-strapped States decide they cannot afford to serve these populations. I am worried about that, and believe we in Congress will have to carefully monitor the program's implementation to ensure that those who are most in need are served by the States.

In addition, I think including education programs in a job training consolidation effort is a serious mistake. I worked hard at the beginning of this legislative process to keep programs like Perkins Vocational Education

Program out of this bill. I believe that program in particular should maintain its focus as an education program instead of being swept into a job training bill.

Overall, this bill eliminates six separate education programs and turns them into a block grant to the States. The block grant funds are to be used for vocational education and adult education, but the bill sets no minimum level of funding for either function. We have worked hard to improve the Perkins program and to use it to help integrate vocational and academic education. By repealing Perkins we risk taking several steps backward in those efforts.

This bill reduces funding for important education programs, including vocational education at the high school and college level. By reducing the Federal dollars allocated to education programs, and creating a block grant to serve both education and job training needs, we will likely divert much-needed funds from key education programs. I am hopeful that the education provisions of the bill will be overhauled in conference, and that some of the job training changes I have urged will also be addressed. I yield the floor.

Mrs. BOXER. Mr. President, today I am reluctantly voting for final passage of the Workforce Development Act, as amended by the Senate.

I believe several of these amendments were key to making the bill much more favorable to California. I say I support the bill reluctantly because I believe the overall 15-percent reduction in job training funding is unwise for this country and the cut in funding for California is unfair for my State still struggling out of an economic recession, repeated, disproportionate base closings, and downsizings and dislocations in defense and other industries.

Nevertheless, I will vote for the bill because I support the underlying program to consolidate our many separate job training programs, just as I supported the similar Democratic version in the last session of the Congress. As debate on this bill has shown, there is bipartisan interest in consolidating and reforming our job training programs to provide more flexibility to deal with our changing economy.

But there were some programs eliminated in the committee bill that I was pleased have been restored by the full Senate.

One of these was the Trade Adjustment Assistance Program. This program provides services to workers who lose their jobs as a result of competition from imported goods. It is a critical program to continue in the wake of the North American Free-Trade Agreement and the General Agreement on Tariffs and Trade. This program was restored to our job training program by the Moynihan amendment.

I also supported the amendment offered by Senator SIMON and Senator SPECTER, to keep the Job Corps Program a national program.

The committee bill would have turned the program over to the States as part of the block grant for job training. It would have been a State option to continue Job Corps.

Job Corps is one of the most successful programs to emerge from the efforts of Congress in the 1960's to attack the crisis in urban poverty and unemployment. Created in 1964, the Job Corps is the oldest, largest, and most comprehensive residential training and education program for young, unemployed, and undereducated youths ages 16–24.

In 1982 Job Corps was incorporated into the Republican-sponsored Job Training and Partnership Act, authored by then-Senator Dan Quayle. It was a good idea in 1964, it was a good idea in 1982, and it is still a good idea in 1995.

The Clinton administration has already addressed many of the problems often cited about the Job Corps. The Labor Department is imposing tougher performance standards, better screenings of participants and contractors, and other steps. Many of these reforms would be made law under the Specter-Simon Amendment.

This amendment would also weed out some of the weaker performing centers over the next 5 years. It would not abruptly close 25 centers—a quarter of the Job Corps, as the bill before us would do.

None of the six centers in California would be closed directly under the committee bill. California centers have not had problems in behavior and management that were targeted by the Inspector General.

However, two new centers for Long Beach and San Francisco were selected in 1994 to become operational in 1997. The Kassebaum bill would not authorize funds to operate these two new centers. This would be a particular blow for the Long Beach area, where the economy will suffer from the planned closing of the naval shipyard.

Last program year about 3,700 students participated in Job Corps at six centers throughout California and more than 80 percent were placed in jobs, joined the military, or pursued further education—a rate higher than the national average.

Even if California agrees to continue to operate these centers under a State program—and that is not assured—the centers would still lose if the national program is eliminated. Job Corps trains students to get jobs in the national market, not just the region. Enrollees can choose centers across the country that best match their career plans. Nationwide Job Corps provides vocational training in more than 100 trades, including construction, marketing, mechanics, and agriculture.

Why replace one relatively small, cost-efficient bureaucracy to administer the program nationally with 50 separate bureaucracies in the States?

There are nearly 730,000 youth living in poverty in California, the most of any State and about 200,000 higher than the next highest State, Texas. There are an estimated 151,000 youths in California in need of Job Corps. There are only 3 youths in California enrolled in Job Corps for every 100 who need to be enrolled. Nationally, there are 18 enrolled for every 100 who need it.

In California, from 1980 to 1990 the unemployment among black teenagers rose from 26 to 31 percent, for Hispanic youth 16 to 21 percent and for white teenagers from 13 to 15 percent.

Mr. President, I have been acutely aware of the impact of the Job Corps in California since I was elected to the Senate.

The San Francisco Board of Supervisors in January 1993 passed a resolution on Job Corps which said in part:

> . . . The unwillingness of society to invest in disadvantaged young people results in high unemployment rates, discouragement, a disinvestment in society, and frustration, and the costs of the unwillingness to invest results in incalculable discouragement, suffering and violence throughout, in particular, the African-American, Hispanic, and other disadvantaged communities, as well as throughout the entire City of San Francisco . . .

The same can be said for Los Angeles, San Diego, San Bernardino, Sacramento and San Jose—the other cities in my State with centers which have provided more than $2 million in community-related services since 1989.

This is not a perfect bill, but the bipartisan action on the Senate floor has made it a better bill. The final version will not be known until the Senate works out its differences with a similar bill in the House. I will be watching that process and will reserve my support until I can see the final version.

One of the areas ripe for improvement will be to require the use of local work force development boards. The Senate bill allows but does not mandate this key element in an effective delivery of job training services. These boards are essential to ensuring a meaningful leadership role for business and other private-sector representatives in the development and operation of employment and training programs. Their role would be similar to that of the private industry councils which serve now under the Job Training Partnership Act.

I urge the Senate conferees to support local oversight of job training services by requiring the local work force development boards.

FEDERAL GOVERNANCE STRUCTURE

Mr. KENNEDY. Mr. President, I support the purposes of this legislation but continue to have some real concerns about certain provisions in the bill. I am particularly concerned about

the Federal governance structure mandated in the bill, including: The ambiguous relationships between the two secretaries; the unprecedented use of a board structure to run an operating agency; the composition of the proposed Federal partnership; and the drastic Federal staffing cuts. Each of these issues gives me great pause. Taken together, I fear that effectiveness of job training consolidation may be jeopardized.

Proponents offer two key reasons for such significant organizational change—the first is to save money, and the second is to provide better service. I do not believe that we will achieve either under the current proposal.

My colleague from Ohio has been a leader in the area of Government reform, and I would be interested in his observations on this issue.

Mr. GLENN. I share the concerns expressed by the senior Senator from Massachusetts. The legislation before us proposes a Federal governance structure that is intended to maximize coordination between the Departments of Labor and Education in the oversight of education and training block grant funds. And it is intended to increase the private sector's influence on education and training policy through a national board. Although these are desirable goals, they would be achieved through a governance structure, including proposed staff reductions, that would be virtually unworkable because it violates several basic principles of organizational reform.

First, it violates the principle of establishing clear lines of authority, by creating a new "Workforce Development Partnership" within the Departments of Labor and Education under the direction of a national board. The Workforce Development Partnership, as it stands, is so unwieldy that I fear it may be unworkable, and the resulting disorder would undermine the promise of devolving greater responsibilities to the States. When you have accountability dispersed across two departments and one board, you really don't have accountability. Instead, you have confusion, "passing the buck" and a failure to solve problems.

Second, it violates the principle of matching functions and structures. Experience shows that boards are good at some things: venting a broad array of opinion; debating issues; formulating policy; and ensuring consensus for that policy. Boards are not good, however, at carrying out administrative and management responsibilities, in part because of the need to make quick decisions. This bill assigns various administrative and management responsibilities to the national board that it is least capable of carrying out. The board's failure to effectively carry out such administrative and management responsibilities could undermine the ability of the States to implement a new work force development system.

Third, it violates the principle that adequate resources should be provided to carry out a task, by specifying an arbitrary and significant staffing cut that is likely to undermine the critical Federal role in making the transition to the new work force development system. The drastic change required by this legislation raises enormous transition problems. Putting this into place will require considerable imagination, innovation, patience, and investment—of time and money.

This is very hard to do if one partner is crippled by arbitrary staffing cuts at the beginning. This bill does not envision a handsoff role for the Federal Government. It instead mandates a very important Federal role—particularly in the transition—with respect to assisting the States in establishing new innovative, performance-based systems; charting new work force development plans; creating one-stop shopping for individuals and employers; measuring the success of the system and integrating it with other efforts. A proper Federal role is the key to promoting accountability and efficiency and to ensuring that confusion at the Federal level will not undermine the ambitious goals of the work force development system.

I would like to illustrate the challenges of transition by focusing on grant closeout. Based on the Department of Labor's most recent major program closeout—the Comprehensive Employment and Training Act [CETA]—the closeout effort would likely take 2 to 3 years. Planning for the CETA closeout began in early 1982. Although CETA ceased operations on October 13, 1983, most related closeout activity was not completed until the end of 1985. Considerable resources were involved in bringing to an end the 10-year program in 470 localities. The Department's Office of Inspector General was also heavily involved, and in its 1984 semiannual report noted "* * * it was necessary to devote tremendous audit resources to ensure the fiscal integrity of the closeout."

This is not to say that some staffing cuts in the future may not be appropriate. Before specifying such cuts, however, we need to take heed of a simple lesson from the business world: successful reforms are goal-oriented and carefully planned. The first step is to ask what you are trying to accomplish. Moving boxes around on an organizational chart looks impressive and satisfies our desire for action. But it does not make for good policy. It would not achieve the desired results and would certainly impose a period of transitional chaos.

I thank the Senator from Massachusetts for raising these important issues.

Mr. KENNEDY. I think the Senator from Ohio has made it clear that restructuring, while desirable, has to be thoughtfully done. Restructuring in business and government shows that structure is secondary to mission in successful reform efforts. Restructuring requires careful planning. This bill puts the cart before the horse. The Federal partnership would begin with a cut, without careful consideration of what needs to be achieved at the Federal level and the staffing level required to carry out such activities.

I look forward to the conference where I hope we will have an opportunity to fix some of these problems.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent Senator ABRAHAM be added as a cosponsor to S. 143.

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

Mrs. KASSEBAUM. Mr. President, I believe there are no further amendments.

Mr. KENNEDY. Mr. President, I know of none on our side.

FEDERAL GOVERNANCE STRUCTURE

Although I support this legislation and am voting for it, I continue to have concerns about various provisions in it. I am particularly concerned about the Federal governance structure mandated in the bill, including: The ambiguous relationship between the two Secretaries; the unprecedented use of a board structure to run an operating agency; the composition of the proposed Federal partnership; and the drastic Federal staffing cuts specified in the bill. Each of these issues is worthy of concern. Taken together, there is cause for this efforts to be dead on arrival, simply unable to operate.

Proponents offer two key reasons for such significant organizational change—the first is to save money, and the second is to provide better service. I do not believe that we will achieve either under the current proposal.

I would be interested in the observations on this issue of my distinguished colleague, Senator GLENN, who has been a leader in the area of governmental reform.

Mr. GLENN. I share the concerns of the Senator from Massachusetts [Mr. KENNEDY]. The legislation proposes a Federal governance structure that is intended to maximize coordination between the Department of Labor and Education in the oversight of education and training block grant funds, as well as increase the private sector's influence on education and training policy through a national board. Although these are desirable goals, they would be achieved through a governance structure, including proposed staff reductions, that would be virtually unworkable because it violates several basic principles of undertaking such organization reform.

First, it would violate the principle of establishing clear lines of authority, by creating a new work force development partnership within the Departments of Labor and Education under

the direction of a national board. The work force development partnership, as it stands, is so unwieldy as to be devolving greater responsibilities to the States. You would have confusion, passing the buck, and a failure to solve problems.

Second, it would violate the principle of matching functions and structures. Experience shows that boards are good at some things: Venting a broad array of opinion; debating issues; making policy; and ensuring consensus for that policy. Boards are not good, however, at carrying out administrative and management responsibilities, in part because of the need to make quick decisions. This bill assigns various administrative and management responsibilities to the national board that it is least capable of carrying out. The Board's failure to carry out such administrative and management responsibilities effectively could undermine the ability of the States to implement a new work force development system.

Third, it would violate the principle of providing resources adequate for carrying out the task, by specifying an arbitrary one-third staffing cut that is likely to undermine the critical Federal role in making the transition to the new work force development system. The drastic change required by this legislation raises enormous transition problems. It requires considerable imagination, innovation, patience, and investment—of time and money—to put in place.

This is very hard to do if one partner is crippled by arbitrary staffing cuts at the beginning. This bill does not envision a hands-off role for the Federal Government. It instead mandates a very important Federal role, particularly in the transition, with respect to assisting the States in establishing new, innovative, performance-based systems, charting new, work force development plans, creating one-stop shopping for individuals and employers, measuring the success of the system, and integrating it with other efforts. A proper Federal role is the key to promoting accountability and efficiency and to ensure that confusion at the Federal level will not undermine the ambitious goals of the work force development system.

I would like to illustrate the challenges of transition by focusing on grant closeout. Based on the Department of Labor's most recent major program closeout—the Comprehensive Employment and Training Act [CETA], the closeout effort would be likely to take 2 to 3 years. Planning for the CETA closeout began in early 1982. Although CETA ceased operations on October 13, 1983, most related closeout activity was not completed until the end of 1985. Considerable resources were involved in bringing to an end the 10-year program in 470 localities. The Department's office of the inspector general also was heavily involved, and in its 1994 semiannual report noted "* * * it was necessary to devote tremendous audit resources to ensure the fiscal integrity of the closeout."

This is not to say that some Federal staffing cuts in the future may be not appropriate. Before specifying such cuts, however, we need to take heed of a simple lesson from the business world: Successful reforms are goal-oriented and carefully planned. The first step is to ask what you are trying to accomplish. Moving boxes around on an organizational chart looks impressive and satisfies our desire for action. But it does not make for good policy. It would not achieve the desired results and would certainly impose a period of transitional chaos.

Mr. KENNEDY. I think the Senator from Ohio has made it clear that restructuring, while desirable, has to be thoughtfully done. Restructuring requires careful planning. This bill puts the cart before the horse. The Federal partnership would begin with a cut, without careful consideration of what needs to be achieved at the Federal level and the staffing level required to carry out such activities.

I look forward to the conference and an opportunity to begin fixing these problems.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2885, as amended.

So the amendment (No. 2885), as amended, was agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the committee be immediately discharged from further consideration of H.R. 1617, the Senate proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 143, as amended, be inserted in lieu thereof; further, that H.R. 1617 then be read for a third time and the Senate immediately proceed to vote on passage of the bill.

I further ask consent that following passage of H.R. 1617, the Senate insist on its amendment and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, and S. 143 be placed back on the calendar.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1617) to consolidate and reform work force development and literacy programs and for other purposes.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays on final passage.

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 the passage of H.R. 1617, as amended.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

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

The result was announced, yeas 95, nays 2, as follows:

[Rollcall Vote No. 487 Leg.]

YEAS—95

Abraham	Feingold	Lott
Akaka	Ford	Lugar
Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Moseley-Braun
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hollings	Robb
Campbell	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	Wellstone
Faircloth	Lieberman	

NAYS—2

Feinstein	Simon

NOT VOTING—2

Cohen	Moynihan

So, the bill (H.R. 1617), as amended, was passed.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I send an amendment to the title to the desk and ask unanimous consent that it be considered and agreed to.

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

The title was amended so as to read:

A bill to consolidate Federal employment training, vocational education, and adult education programs and create integrated statewide workforce development systems, and for other purposes.

Mrs. KASSEBAUM. Mr. President, in approving the Workforce Development Act, I believe the Senate has taken a

great step forward in reforming Federal work force development efforts. It truly is a major and innovative approach that I think will serve both our education and job training arenas with great success.

Arriving at this point has been a long and difficult endeavor. Wiping the slate clean, so to speak, has meant convincing those who have invested time in existing programs that there is a better way to accomplish their goals. Taking the next step in developing that better way has proven to be just as challenging.

Mr. President, I am convinced that the time and effort put into this legislation has been worth it. We now have a blueprint for a system in which the needs of all who require a job, job training and job training-related education can be addressed. It is a system where the States will have flexibility to fit their needs while being accountable to the public for the use of Federal funds. It is a system which creates incentives for the involvement of a true partnership among job training advocates, educators, the business community, and State governments.

It has taken a couple of years, if not more, to put this proposal together and many hearings and consultations and many individuals have made major contributions to this effort. It is not possible to name them all. However, I do want to acknowledge several of them.

In particular, I express my appreciation to the members of my staff who have worked on this legislation: Ted Verheggen, Carla Widener, Wendy Cramer, Bob Stokes, and Susan Hattan. Other staff of committee members on both sides of the aisle have also made significant contributions to this legislation. From the Republican staff, I would include Sherry Kaiman and Reg Jones with Senator JEFFORDS, Pat Morrissey and Carol Fox with Senator FRIST, Dwayne Sattler with Senator DEWINE, Rick Murphy with Senator GREGG, Don Trigg with Senator ASHCROFT, and Gregg Willhauck with Senator ABRAHAM.

On the Democratic side of the aisle, I would like to express appreciation particularly to Ellen Guiney, Libby Street, Sarah Fox, and Omer Waddles with Senator KENNEDY; David Evans and Kevin Wilson with Senator PELL; Suzanne Day with Senator DODD; Charlie Barrone with Senator SIMON; Bobby Silverstein and Bev Schroeder with Senator HARKIN. I also want to recognize the efforts of Liz Aldridge and Mark Sigurski, who produced the legislative language with many of the incarnations of this legislation. In some ways this perhaps is the most trying and difficult part of the bill.

A special thanks also goes to Rick Appling and Ann Lordaman, of the Congressional Research Service. The staff of the General Accounting Office, the leadership of the Republican Governors Workforce Development Task Force, and many individuals in the business and education communities also lent valuable support to this effort.

In closing, Mr. President, I would like to say a special word about Steve Spinner. Senator KENNEDY gave an eloquent tribute to Steve Spinner in his opening remarks as we started the debate on the Workforce Development Act. As a member of Senator KENNEDY's staff, he worked very closely with me and my staff in developing the work force training provisions of this bill. He cared very deeply about bringing about reform in this area and offered invaluable advice, assistance and suggestions based on his experience in the field. His dedication and professionalism earned him great respect on both sides of the aisle. Unfortunately, Steve died of cancer a few weeks ago. We deeply regret his loss and regret he was unable to see through an effort to which he had devoted so much time and talent.

I yield the floor.

Mr. KENNEDY. Mr. President, the good chairman of our committee was speaking with her heart and soul about the extraordinary work of Steve Spinner who spent an enormous amount of time and energy in the developing and shaping of this legislation. He died just 2 weeks ago, at a young age, but made a remarkable contribution, which, through this legislation, other good works will live on for a very considerable period of time. And because of his works, young and old will have a better opportunity to have a more hopeful life, a better chance to provide for their families.

We are, I think, all extremely fortunate to have the help and assistance of extraordinary, dedicated men and women who help us with our legislative duties, but more than that are highly motivated and incredibly gifted and talented in their profession and whose work is absolutely essential and invaluable in shaping legislation. Steve Spinner falls in that category, as well as so many others that Senator KASSEBAUM mentioned and that I will include.

But Steve Spinner was a rare, uncommon individual. And I think those of us who serve on that committee are mindful at this moment with the successful passage of the legislation, not just by the handful of votes which would have been sufficient to see its completion, but the extraordinary efforts to try to encompass the breadth of this body in terms of focusing and giving attention to the needs of those that will benefit from this legislation was really extraordinary. And I think to a great degree the fact that we have had such overwhelming support for this legislation was a real tribute to Steve and his efforts and energies over a long period of time. Others were certainly indispensable as that path went along, but I think Steve, all of us recognized, was someone who was very, very gifted.

I also would mention Steve's wife, Claire and daughter Elisa at this moment as well. Elisa is 4 years old, and Claire was a very lovely and wonderful, devoted companion.

Mr. President, the legislation which we voted on this afternoon is a culmination of a long, bipartisan effort to reexamine and refocus the Federal role in the education and training of America's workers. And this complex effort involves many separate decisions and judgments about the services that are most effective, the appropriate roles of the Federal, State, and local governments in job training and how best to ensure that available resources are targeted to those who need them the most.

Much of our debate over the last 2 days has been focused on those questions, and appropriately so. But as we face the vote on the final passage of the legislation, it was important to consider how much is at stake in this bill and how important this issue is to our country and to its future.

The challenges of creating a world-class work force are central to America's ability to compete successfully in the global economy. It is also central to our standard of living and the quality of life for all of our people. The economic indicators are sending a message that none of us can ignore. Corporate profits are up, productivity is increasing, but the wages of most Americans are not.

Since 1979, the national household income has increased, but almost all of that increase has gone to families in the top 20 percent. And 60 percent of American households have actually seen their family incomes in real dollars decrease. The gap in income between the most affluent and least affluent members of our society is greater today than at any time since records began to be kept after World War II. It far exceeds the gap in any other industrial nation in the world. And the gap is widening, not decreasing.

Many different factors have contributed to this problem, but one element in the picture stands out. Men and women who lack education and job skills are having the hardest time of all. Three-quarters of American workers are without 4-year college degrees. They have suffered the steepest drop in wages and benefits. At the start of the 1980's, a male college graduate typically earned 49 percent more than a male high school graduate. Today the differential is 85 percent. The evidence is overwhelming that one realistic way toward reversing that dangerous trend is to improve the education and training available to workers.

For every year of additional education or job training after high

school, a worker's income increases by 6 to 12 percent. That is why the legislation we are considering today is so important. The Federal Government has had a long history of involvement in job training, from the manpower programs in the 1960's to CETA in the 1970's to the Job Training Partnership Act of the 1980's, and many other training programs administered by the Department of Labor or the Department of Education.

The record of success is clearly mixed. And what we are attempting to do at the Federal level today is a clear departure from what we have done in the past and taking us into new territory. Our past job training policy was based on the assumption that the vast majority of workers would acquire basic skills in schools and that these skills would enable young men and women to attain good jobs with decent wages and benefits and work productively in those jobs for the rest of their lives.

On this basis, Federal training programs focused on particular groups facing special barriers—the disadvantaged, the disabled, and in more recent years the dislocated worker. There was a clear recognition that members of these groups needed special assistance. But at the same time, it was assumed most workers were already in the mainstream and could succeed effectively on their own.

We have had a rude awakening. In the highly competitive global economy that has emerged in recent years, U.S. workers have been losing ground. And in the painful process of analyzing that decline, we have come to realize that on the issue of job training we have not been doing the job.

It is not just the disadvantaged, disabled, and dislocated who suffer from inadequate education and training; it is a work-force-wide problem. Compared to other nations, we have clearly been underinvesting in the education and training of the vast majority of our workers. And American working families are paying a heavy price for that neglect.

Now for the first time we are looking at Federal training programs as part of a competitiveness strategy, central to the Nation's overall economic future. And that, in turn, has required us to broaden our outlook, to start seeing these issues in terms of the need for the kind of broader bipartisan reform we are recommending today.

In a sense, this bipartisan movement for reform began with Senator Dan Quayle's Job Training Partnership Act in 1982 and its effort to involve the private sector more closely in such reform.

The second major milestone on the road to reform was the 1990 reform report of America's Choice Commission, cochaired by two distinguished former Secretaries of Labor, Bill Brock and Ray Marshall, and their clear warning that unless we changed our ways, we were on the race to the bottom in the global economy.

The next major landmark was the 1992 report by the congressional General Accounting Office that so effectively blew the whistle on the current confusing array of Federal programs, and the past two Congresses picked up the challenge. We held bipartisan hearings on all of these challenges, enacted initial important reforms, such as the school-to-work legislation signed by President Clinton. And throughout this process in recent years, Senator KASSEBAUM and I have worked closely together to agree on the broad direction of reform. This legislation is the result of both of our efforts, and I commend her for her leadership, for without her leadership, we would not be where we are today.

We have not always agreed on all of the details, but we have certainly agreed on the major directions of the reforms we need. But we both are well aware that there are no simple answers and no silver bullets. We have approached this challenge with a maximum of bipartisanship and minimum of ideology.

This legislation is, obviously, not a final answer to the serious challenges that we face, but is a far better answer than we have had so far. I am grateful that the Senate has passed it by an overwhelming majority.

Mr. President, I want to join in mentioning very briefly our colleagues who have participated in this so actively. I mentioned the significant and outstanding leadership of the chairperson of our committee, Senator KASSEBAUM, whose commitment in this area has been really extraordinary. When we look over the broad range of debates and discussions that we have had over the period of this Congress, I think this really stands out as an extraordinary effort to try and bring together the diverse viewpoints and ideas and do it in a way which really represents the best in legislative effort in drawing the strong bipartisan support, and support from all the different elements of this body:

Senator JEFFORDS, with his strong commitment in education and the Adult Education Program, with our colleague Senator PELL, who has done so much in chairing and being the ranking minority member of the education committee for such a long period of time;

For Senators SPECTER and SIMON, who were so committed on the issues of the Job Corps and who spent a great deal of time on that issue;

To my friend and colleague, Senator DODD on the dislocated workers and the national priorities which will extend not only to the industrial areas but also will include the national priorities for those all over this Nation. It is an important program and we are grateful for his leadership;

Senator BREAUX and Senator DASCHLE for the work that they did in devising a completely different concept in permitting the maximum flexibility for individuals to make choices and selections out of the wide, diverse numbers of training programs so that they would be able to maximize their own skills and talents and innovative programs which they have pursued for some period of time and which has been included in this legislation;

Senator MOYNIHAN on the trade adjustment.

Senator MIKULSKI, who was so much involved in the senior community employment issue and which was not a part of this program, but she was so much involved in its continued success.

Senator KASSEBAUM has mentioned many of those who have been so involved. I want to particularly recognize Omer Waddles, who has done such extraordinary work, particularly in following up on the superb work of Steve Spinner, Ellen Guiney, Libby Street, Ross Eisenbrey, Greg Young, Sarah Fox, and Nick Littlefield, our general counsel, who is tireless in all of his endeavors and work on this legislation; Dave Evans, Mort Zuckerman for Senator SIMON; Suzanne Day, Bev Schroeder, Senator HARKIN; Bobby Silverstein, again, with Senator HARKIN.

Even though Senator KASSEBAUM has mentioned some of those who have served with her on the Republican side, we often find that their talents are invaluable to all of us on this issue.

There are many others: Susan Hattan, Ted Verheggen, Carla Widener, and Wendy Cramer. To all of those and others, I am enormously grateful for their support.

I want to thank the majority leader for scheduling this legislation and the minority leader as well for giving it a priority for us as well.

I am glad we were able to move this process forward. We look forward to the conference with the House Members, and we hope that the spirit of comity and cooperation and bipartisanship, which has been reflected in this debate during the past few days, will be evident in the conference and when the conference report returns.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I want to thank my colleagues Senator KASSEBAUM and Senator KENNEDY. This was a priority matter, and it was completed on schedule, on time. I thank both my colleagues for that.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to

consideration of calendar No. 202, H.R. 927, the Cuba sanctions bill.

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

The bill clerk read as follows:

A 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 Senate proceeded to consider the bill.

AMENDMENT NO. 2898

(Purpose: To strengthen international sanctions against the Castro government in Cuba, to develop a plan to support a transition government leading to a democratically elected government in Cuba, and for other purposes)

Mr. DOLE. Mr. President, I send a substitute 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 Kansas [Mr. DOLE], for himself, Mr. HELMS, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D'AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. INHOFE, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, Mr. ROBB, Mr. CRAIG, Mr. COHEN, Mr. BURNS, Mr. REID, Mr. LOTT, Mr. STEVENS, Mr. SPECTER, Mr. SHELBY, and Mr. PRESSLER, proposes an amendment numbered 2898.

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

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

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

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 202, H.R. 927, an act to seek international sanctions against the Castro government.

Bob Dole, Jesse Helms, Bob Smith, Bill Frist, John Ashcroft, Jim Inhofe, Paul D. Coverdell, Spencer Abraham, Larry E. Craig, Trent Lott, Rod Grams, Frank H. Murkowski, Fred Thompson, Mike DeWine, Hank Brown, Chuck Grassley.

Mr. DOLE. Mr. President, I will just say a word and then turn it over to the distinguished Senator of the committee, Senator HELMS. Senator PELL is here, Senator DODD is here, and they will continue the debate.

I want to say just as I leave—not leave, but leave the floor, that is, not leave the Senate—I am not certain what the administration policy is toward Cuba. President Clinton says he wants to tighten the embargo on Castro's Cuba, and then the White House issues veto threats on the legislation which toughens sanctions. President Clinton says he wants to increase pressure on Castro, and then he cuts a secret deal with him and changes the U.S. embargo and allows more money to flow to Castro.

But whatever the administration's policy is, the Senate will have a chance to speak on this legislation. We will have to speak for the Cuban people who have been muzzled so long by Castro's tyranny.

The choice in this legislation is simple: Do you want to increase pressure on the last dictatorship in the hemisphere, or let Castro off the hook.

Many in the United States actually want to end the embargo, and in the coming debate, they will argue about property rights, legal interpretations, free trade, about many things. But let there be no mistake, passing this bill is about supporting democratic change in Cuba and sending Fidel Castro the way of all other dictators of Latin America.

Let me also indicate that they have had a very good debate on the House floor on this similar bill, the Burton bill, the Burton-Torricelli bill on the House side. Sixty-seven Democrats had strong bipartisan support on the measure. It passed with strong bipartisan support. I know we have bipartisan support here. I hope we will have enough support that we can obtain the 60 votes on cloture, pass this bill, go on to conference and send it to the President. I also hope that we do not grant a visa, of course, to Castro to visit the United Nations any time in the future. I assume that may be in the works.

This is an important bill, an important debate. It is about the last dictator in this hemisphere. I hope that we will tighten sanctions, which is precisely what the bill sponsored by Senator HELMS, myself, and others does. There are a number of cosponsors, as the RECORD will reflect, Republicans and Democrats alike, cosponsoring this bill.

I yield the floor.

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

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

Mr. DOLE. Mr. President, I indicate to my colleagues that there will be no more votes today. There is an agreement that there will be no amendments offered today. There will be lengthy discussions on both sides, as I understand it. So there will not be any votes. I give my colleagues advance notice of that.

Mr. HELMS. 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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I may be recognized for 1 minute as in morning business.

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

MISS AMERICA SHAWNTEL SMITH'S POSITION ON SCHOOL-TO-WORK

Mr. INHOFE. Mr. President, we were very proud to present to all of America today Miss America, Shawntel Smith. She has requested that I submit her statement, which she made today on the lawn of the Capitol, for the RECORD.

I ask unanimous consent at this time to have printed in the RECORD the statement by the new Miss America, and former Miss Oklahoma, Shawntel Smith.

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

SCHOOL-TO-WORK: REINVENTING AMERICA'S WORK FORCE

(Platform Statement of Shawntel Smith, Miss America 1996)

As global communications and technological propel us toward the 21st century, we Americans are falling further and further behind. Everyday, millions of men and women wake up and go to work in jobs that fall short of their American dream, while in some places as many as 50% of our high school students simply drop out. Because many American workers and students are neither motivated nor clear about their economic future, they flounder.

As a nation, our competitive positions remains stagnant. Lagging productivity growth rates, rising unemployment and the absence of a skilled work force widen the gap between America and its competitors. American business and industry struggle to fill the jobs that exist because candidates lack the skills and education to make the grade.

America's classrooms and America's workplace today are out of sync. We're simply not preparing our nation's youth for the high skill, high wage jobs of a technology-based economy, and for that we all suffer. Students who cannot find the relevance in what they're learning, adults who cannot replace lost jobs, educators who cannot motivate their students, and employers who cannot compete.

As Miss America and as a student, I advocate school-to-work solutions that prepare today's students for tomorrow's workplace,

providing them with appropriate and clearly marked paths from school to work or to continuing education. In doing so, I will encourage partnerships among the educators, employers, employee groups, students, parents, government and community leaders that spawn local school-to-work initiatives. Such initiatives not only offer "first chance" opportunities to students entering the work force but "second chance" opportunities to the unemployed and underemployed as well.

My very first priority will be to generate awareness for the school-to-work philosophy, reaching out to those who deserve its benefits but as yet are unaware of its existence. As I travel this country, I will seek out effective partnerships between educators, employers and students, sharing their stories with those who care to hear. I will speak with a sense of urgency because, in this case, there is no time to spare.

Among educators, I will encourage them to provide high-standards academic and relevant education that prepares all students for college, vocational or technical training, career education or immediate entry into the work force. I will ask them to take responsibility for ensuring that America's students be ready to succeed in a high-technology workplace.

Among employers, I will urge them to ensure the future competitiveness of America by taking an active role in the development of educational curricula and by providing work-based learning opportunities for all students. I will also ask them to examine the investments they make in human capital and to provide job training and retraining to all levels within the workplace.

Among students, I will motivate them to discover their personal paths from the classroom to the workplace, showing them that the American Dream is still attainable. I will challenge them to stay in school, so they can take from the education process what they'll need to succeed in the world of work. and I will help them understand that the process of lifelong learning is the key to their productivity and happiness.

From America's classrooms to its tool rooms to its board rooms, I will serve as a catalyst for change by shining the Miss America spotlight on and bringing a forceful voice to this new movement, a movement which seeks to put all Americans to work and makes our country strong and competitive once more.

These pledges I make today, the 11th day of October, 1995.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, some of us have been waiting quite a while for the pending legislation, known generally as the Helms-Burton bill. But as the distinguished majority leader has just said, the pending bill has wide support in both parties and in both Houses of Congress.

The water was muddied a bit last week by President Clinton, but I will say for the President that, confusing as his actions are and have been with respect to Cuba, he did, in my judgment, reemphasize last week that the embargo against Fidel Castro's Communist regime in Cuba is still an absolute necessity. On that, I certainly agree with the President.

I think most Americans, and certainly those who are still prisoners in Cuba and those who fled Cuba and are now in exile, unanimously agree that the embargo against Fidel Castro must be continued.

For 36 years—and this covers a period when eight American Presidents were in the Oval Office—the U.S. policy of isolating Castro has been consistently bipartisan. And I do hope that consideration of this bill today, and for however long it takes beyond today, will continue to be bipartisan. It is called the Libertad bill, and it builds on and enhances that embargo policy, which I hope, as I say, will continue to be bipartisan.

Why? That is a rhetorical question, and everybody knows the answer to it. Certainly, every Senator is old enough to remember Fidel Castro's entry into Cuba. I remember Herbert Mathews of the New York Times—that newspaper that prints "all the news that is fit to print," as they say in boastful declarations—Mr. Mathews sent dispatch after dispatch to the New York Times from Havana reminding one and all that Fidel Castro was just a nice, little agrarian reformer. And then there was Edward R. Murrow, who broadcast nightly that Fidel Castro was a peace-loving agrarian reformer.

That is when Fidel Castro was in the boondocks and Mathews and Edward R. Murrow went out and sat at Castro's knee and trumpeted his propaganda via CBS and the New York Times.

Well, when Mr. Castro got to Havana, the bloodletting began. And anybody who is in this Senate is certainly old enough to remember what happened. There was tyranny throughout Cuba. Mr. Castro, first of all, took up all of the guns from his political enemies; and he lined up a great many of those political enemies before firing squads. As for the declarations by Herbert Mathews of the New York Times and Edward R. Murrow that Fidel Castro was not a Communist, the first declaration that Mr. Castro made when he became the premier of Cuba was, "I am a Communist, I have always been a Communist, and I will always be a Communist."

So Fidel Castro became known worldwide as a cruel, bloody tyrant, whose regime engaged in rampant human rights abuses, drug smuggling, arms trafficking, and terrorism. Mr. Castro sits atop a structure that regularly and routinely abuses, detains, tortures, and executes its citizens. He is a self-declared, committed Communist who stands against every fundamental principle that the American people value.

In all—I saw some statistics on this the other day, Mr. President—more than 10,000 Cubans have been killed by Castro and his regime, with tens of thousands more having fled their homeland to escape his tyranny. Currently, at least a thousand Cubans are, this very day, being held as political prisoners in Castro's jails. Yet, the United States liberal community, including this Senate, so desperately desires good news out of Cuba so that they can cast Castro in some favorable light that they will seize on the flimsiest of evidence. I fear that this is precisely what is going on down on Pennsylvania Avenue.

Let the record show that there has been no fundamental change in Fidel Castro's policies. None whatever. If you doubt it, ask Mario de Armis who is acknowledged by the U.S. State Department as the Cuban prisoner who has served the longest sentence—30 years in a Castro prison—for his political beliefs. He committed no crime. He just did not agree with Fidel Castro. He was not a Communist. So, to jail he was sent by Castro for 30 years.

Mr. de Armis supports the U.S. embargo. Let me quote exactly what he said recently:

> Stand on the side of the oppressed against the dictator Fidel Castro. It is not my opinion but the opinion of everybody. I refer to the working people of Cuba, that the embargo should be maintained, it should be kept in effect, it should be strengthened.

Or you might want to ask Armando Valladares, who was locked up for 20 years in a Castro prison. He said in a recent letter to me, "I strongly believe that the remaining days of Castro's tyranny will be shortened once your Libertad bill is passed."

Now, Mr. President, it is not just those who have suffered under Castro who have been forced to flee. It is not these people alone who favor continued isolation of Castro. It is those still inside Cuba, still struggling for freedom, who also endorse a tightening of the embargo.

Recently, I received a letter signed by scores of Cubans inside Cuba who courageously, at great risk to themselves and their personal safety, endorsed the Libertad bill. Let me quote from their letter: "Because of a wicked turn of destiny, a history with contrasting elements is repeating itself in Cuba. In the early years of the revolutionary triumph, the government headed by Castro confiscated all private property belonging to both Cuban and foreign capitalists to save economically the fledgling revolution."

"In 1995," the letter continues, "and in order to save the same revolution, socialism and [its] alleged gains, the same properties are put on sale for other capitalists to buy although this represents no benefit for the Cuban people."

Now, Mr. President, the letter is long but let me refer to one more statement: "We support the alternative you propose."

Now, Mr. President, he is referring to the pending legislation now before the

U.S. Senate. He goes on to say "Its approval will mean a definite turn in our favor. We thank you sincerely for what you are doing."

Now, these people, who are still in Cuba, and who ran a personal risk in writing their letter to me, said—referring to the impact of the economic embargo—"The economic embargo maintained by subsequent administrations has begun to have its effect, felt not against the people, but against those who cling to power."

Despite the risk of arrest and intimidation and forced exile, these letters of support coming to me and, I am sure, coming to Congressman BURTON and other Members of the House and Senate of the United States in support of the pending bill, continue to make their way out of Cuba and on to our desks in the Senate and in the House of Representatives.

I must emphasize, for the sake of clarity, that these are the people on the front line in Cuba. They know firsthand what kind of man Castro is and has been. They know what he represents. They are in a position to judge best what the impact of the pending bill, the Libertad bill, the Helms-Burton bill, will have in Cuba.

Now, some opponents of the pending legislation have recently made claims that it is time to normalize relations with Castro, that he has made political and economic reforms, and that Cuba is open for business and that we are somehow missing out on golden opportunities.

Some prominent people in business circles contend that we are missing out on what they describe as golden opportunities.

They seem willing to overlook the thousands of people murdered by Castro, the thousands of people who have been locked up in Castro's dingy prisons. No problem, they say, in effect. Just do a little business with Castro, make a little profit off of the misery of these Cuban people.

Talk about callous nonsense—Castro has not implemented even one serious political move toward a free society in the last 36 years—not once. His economic reforms have been designed more to alleviate pressure on his regime than to permit the betterment of the Cuban people.

The Cuban economy is in shambles. It is, in fact, in such dire straits that Castro has laid off some 500,000 to 800,000 workers, more than one-fifth of Cuba's work force.

Even Castro's new foreign investment law that has been trumpeted all around in big business circles, this foreign investment law continues to place economic decisionmaking in the hands not of free enterprise but in the hands of the Cuban Communist Government.

It has nothing to do with economic freedom for the Cuban people. The Cuban Communists, Mr. Castro's crowd, do you not know, will still dictate which Cubans get jobs and which Cubans will not. They will determine how much Cubans will be paid, and it is a pitiful sum that they intend to be paid.

So, I think we ought to stop kidding ourselves. We are still dealing with a tyrant, a tyrant who is determined to keep his grip on power. Fidel Castro is not now interested, nor has he ever been interested, in bringing genuine economic and political freedom to Cuba. That is why 30 Senators introduced the Cuban Liberty and Democratic Solidarity Act, the Libertad Act or the Helms-Burton bill, however you want to identify it.

We are convinced that real political and economic change will come to Cuba only by and when pressure is increased on the Castro regime and while we continue to make clear that we are supporting the Cuban people.

This combination of pressure on Castro and support for the Cuban people is central to the pending legislation, the Libertad bill.

What does this bill do? It certainly does more than stiffens sanctions. It has three separate and distinct objectives.

First, to bring an early end to the Castro regime by cutting off hard currency that keeps the Castro crowd afloat. Without hard currency from the outside, Mr. Castro's days will certainly be numbered. If you want to keep Castro in power, let him get hard currency from outside. But I say no, cut off the hard currency to Fidel.

Second, the bill stipulates that planning should start now for United States support to a democratic transition in Cuba with full respect for the self-determination of the Cuban people.

And third, of course, is to protect the property confiscated from United States citizens by Castro and his crowd, property that is being exploited this very day by Fidel Castro to subsidize his Communist regime, with foreign companies earning blood money at the expense of the Cuban people. That is what this bill is all about.

The proactive strategy set forth in this legislation preserves United States credibility with the Cuban people; it shows that the United States is one of the few countries not willing to legitimize the brutality of the Castro regime in exchange for some mythical market share.

Here is the point, Mr. President: This legislation seeks to break the status quo by extending an offer of broad, U.S. support for a peaceful transition, while providing disincentives to companies whose ventures prop up the Castro crowd, the Castro regime, the Communist regime in Cuba, that is exploiting the labor of the Cuban people and the resources of the American property owners. That is what those who want to prop up Castro are willing to do. They are willing to forget all of the murders, all of the decades in which people have suffered in jails since Castro took power.

Since this bill was introduced, there has been an unprecedented hue and cry from Mr. Castro's crowd in Havana and, to be honest about it, from certain quarters in the United States.

All sorts of dire consequences have been forecast about this bill's probable impact on United States relations with the Europeans and the Canadians. Well, la de da, the Canadians, after all, have been transshipping sugar from Cuba all along, in violation of United States law. I could catalog a lot of other things that ought to be stopped, which the U.S. Government ought to get about the business of stopping.

In any case, many of the same predictions that Congress heard in 1992 during the debate on the Cuban Democracy Act are being said today. Nothing came of those predictions about ruptured relations; but the predictions that did materialize were felt by Castro, who was and is the target of the Cuban Democracy Act.

The only dire consequences of the Libertad bill's enactment are dire for Mr. Castro. And I do not mind telling you I want to set his tail feathers afire, which is long overdue. He has tormented his own people long enough. I do not have much sympathy for the view held by Americans who do not feel that the United States ought to come to the aid of the Cuban people. We should have done it a long time ago.

The pending bill will hurt Mr. Castro at his most vulnerable point—his pocketbook. It makes clear that only a democratic Cuba, a free Cuba, will receive the benefits of American trade and recognition.

Cuba is the last Communist nation in this hemisphere. There once was a bunch of them. Castro is losing his grip on power. He knows it. We know it. And anybody with average vision ought to be able to see it. Why else has Castro launched such an aggressive campaign against this Libertad bill and in favor of lifting the embargo? Everybody knows that. Castro wants an influx of American hard currency. That is what he needs most. That is the only thing that will keep him afloat in the crisis that is growing over his head.

What Mr. Castro does not want is for the pending legislation to become law. For those who genuinely support freedom for the Cuban people, that, it seems to me, is the best reason for this United States Senate to follow the lead of the United States House of Representatives in approving the Cuban Liberty and Democratic Solidarity Act.

Mr. President, I ask unanimous consent the letters from the prodemocracy activists in Cuba and Armando Valladares be printed in the RECORD.

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

PARTIDO SOLIDARIDAD DEMOCRATICA,
Havana, Cuba, September 20, 1995.

Hon. JESSIE HELMS,
Chairman of the U.S. Senate, Committee on Foreign Regulations.

Because of a wicked turn of destiny, a history with contrasting elements is repeating itself in Cuba. In the early years of the revolutionary triumph, the government headed by Castro confiscated all private property belonging to both cuban and foreign capitalists to "save" economically the fledgeling revolution. In 1995 and in order to "save" the same revolution socialism, and alleged gains, the same properties are put on sale for other capitalists to buy although this represents no benefit for the cuban people.

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. These effects are felt after the downfall of the socialist camp. Which forced the Havana regime to improvise economic moves, waiting for a miracle to pull them out of a very difficult situation.

Against these efforts by the last totalitarian dictatorship in the continent, the Act of Freedom and Democratic Solidarity with Cuba sponsored by you is the most positive option. Efforts in other directions offer doubtfull solutions in such a long term that the agony of over 10 million people cannot wait.

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 unobjectable contribution to process of democratic transformation in Cuba.

On behalf of a wide sector of the Oposition Movement I represent and on my own I congratulate you and pray to God for the success of your effort.

Embracing you,

ELIZARDO SAMPEDRO MARIN,
Presidente.

OTHER SUPPORT OF THE LIBERTAD BILL

Héctor Palacios Ruiz, Vice-presidente del PSD.

Leonel Morejón Almagro, Presidente de NATURPAZ (Defensores de ecologia y medio ambiente).

Odilia Collazo, Presidenta Partido Pro Derechos Humanos de Cuba.

Fernando Sanchez Lopez, Presidente de la APAL (Asociacion Pro Arte Libre).

Adolfo Fernandez Sainz, Ejecutivo del PSD.

Raul Rivero, Poeta y Periodista (Miembro del PSD/Agencia de Prensa Habana Press).

Orfilio Garcia Quesada, Asociacion de Ingenieros Independientes de Cuba.

Juan Pérez Izquierdo, Periodista PSD.

Rafael Solano Marales, Director Habana Press.

Amador Blanco, Comision de Derechos Humanos "Jose Marti" de Caibarien.

José R Marante, Consejo Medico Cub Independiente.

Dianelys Gonzalez, Asociacion Trab de la Salud Ind.

Pedro A Gonzalez Rodriguez, PSD prov Habana.

Caridad Falcón Vento, PSD Prov Pinar del Rao.

Hector Peraza Linares, Periodista PSD.

Mercedes Parada Antunez, Presidenta ADEPO.

Jesus Zuñiga, Director Centro de Información del PSD.

Secundino Coste Valdes, Periodista y Presidente de la Organizacion Opositora Panchito Gomez Toro.

Ernesto Ibar, Presidente Asoc Jovenes Democratas.

Félix Navarro, PSD de Perico, Matanzas.

Ivan Hernandez, PSD de Colon, Matanzas.

Abel Acosta, Partido Pro Derechos Humanos Cifuertes.

Mercedes Ruiz Fleites, PSD Santa Clara.

Francis Campaneria, PSD Camaguey.

Aurelio Sanchez, Partido Social Cristiano.

Luis E. Frometa, Alianza Cristiana.

Raquel Guerra Capote, Federacion Mujeres Amalia Simoni.

Blanco Gallo, Alianza Metodista Cristiana.

Carlos Oruña Liriano, Asoc Reconstruccion Democrata.

Silvia Lopez Reyes, Mov Fe, Democracia y Dignidad.

Alejandro Perez, Liga por la Reivindicacion Cristiana Nacional.

Josue Brown, Liga Evangelica Juvenil.

Gloria Hernandez Molina, Mov Catolico Democratico.

Guillermo Gutierrez, Union Evangelica Oriental.

Victor Suarez, Democrata Autentico Cristiano.

Eduardo Valverde, Accion Patriotica Civilista.

Onelio Barzaga, Mov Revolucionario Cubano autentico.

Agustin Figueredo, Union de Activistas Pro Derechos Humanos "Golfo de Guacanayabo."

Jose Angel Peña, PSD prov Granma.

Nidia Espinosa Carales, PSD prov Granma.

Rafael Abreu Manzur, PSD prov Santiago de Cuba.

Nicolas Rosario, Centro de Derechos Humanos de prov Santiago de Cuba.

Maria Antonia Escobedo, Frente Democratico Oriental.

Aristides Cisneros Roque, PSD Guantanamo.

Jorge Dante Abad Herrera, Partido Cubano pro Derechos Humanos de la prov Guantanamo.

ARMANDO VALLADARES,
Springfield, VA, September 21, 1995.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SIR: I am a former political prisoner of Fidel Castro's jails where I was confined for twenty-two long years. In those jails I saw many of my best friends die due to horrible tortures and inhumane treatment.

I strongly believe that the remaining days of Castro's tyranny will be shortened once your "Libertad" bill, now up for a vote, is passed. The endorsement of your legislation by the most influential dissident leaders inside Cuba proves that they are convinced, as I am, that this law is an important contribution towards our goal, a "Free and Democratic Cuba."

I commend you for your relentless effort and leadership. While the rest of the world seems to be content and sits idle watching the destruction of a country and its people, individuals like yourself come forward to fulfill a duty. That is eliminating injustices and abuses wherever they occur.

Que Viva Cuba Libre,

ARMANDO VALLADARES,
Former U.S. Ambassador,
U.N. Human Rights Commission.

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

The PRESIDING OFFICER. Will the Senator from North Carolina withhold? I believe the Senator from Rhode Island seeks recognition. Will the Senator withhold?

Mr. HELMS. Of course.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I have a couple of points to make. One of them is, it seems to me unwise to support tacitly the practice of submitting a cloture motion at the same time as a bill or amendment is submitted. I think if this becomes a precedent, it could lead to abuse.

Second, I would like to make the observation that I think I am probably the only Member of this body who has lived under communism for a year or two, a couple of years, and been exposed to it.

I have been to Castro's Cuba four times since being in the Senate and twice to Guantanamo. My view is that the best medicine we can give the Cubans is to submit them to exposure to freedom and fresh air and clear light, that this is what gets rid of communism. I think back to when I lived under the Iron Curtain. We used to say the same thing, that communism would die of its own evil, which it did; of its own ineptitude, which it did. And this is what we should admit to having with Cuba. And, I submit, the legislation before us does not do that.

I believe all my colleagues agree on the goals of American policy toward Cuba—promoting a peaceful transition to democracy, economic liberalization and greater respect for human rights while simultaneously controlling immigration from Cuba. What is clearly different is how we get there. In my view, the legislation before us today is going to take us further away from achieving these goals and is contrary to U.S. national interests.

Rather than ratcheting up the pressure even further in order to isolate Cuba, as this bill would do, we should be expanding contact with the Cuban people. In that regard, I believe the measures announced by President Clinton last week are a step in the right direction. These measures include the reciprocal opening of news bureaus in the United States and Cuba in order to improve the accuracy of the bilateral flow of information; support for the development of independent, nongovernmental organizations in Cuba in order to strengthen civil society; clarification of standards for travel for purposes of news gathering, research, cultural, educational, religious and human rights activities; simplification of regulations that govern travel to Cuba by the Cuban-Americans for extreme humanitarian emergencies such as death or illness of family members; and, finally, authorization for Western Union to open offices in Cuba to facilitate the transfer of funds that are currently

permissible for purposes of paying legal immigration fees and for case-by-case humanitarian needs.

Of course, I would like to see the administration go even further in order to permit the full, free flow of information and people between our two countries because I believe this would best facilitate the transition to democracy.

Under appropriate circumstances, too, I would support lifting the embargo. I say this not because I believe the Cuban Government should be rewarded. In fact, I am amongst those who are disappointed that the Cuban Government has failed to make truly meaningful steps toward political reform and improved human rights. Nor do I believe that should be done as a quid pro quo. We should undertake policy measures to enhance—not decrease—to enhance contact with the Cuban people, because that will serve American national interests; namely, the fostering of the peaceful transition to democracy on that island.

In my view, greater contact with the Cuban people will plant the seeds of change and advance the cause of democracy just as greater exchange with the West helped hasten the fall of communism in Eastern Europe. In his posthumously published book, former President Nixon wrote that "we should drop the economic embargo and open the way to trade, investment and economic interaction * * *" Nixon believed we would better help the Cuban people by building "pressure from within by actively stimulating Cuba's economic contacts with the free world."

The Cuban Government has been expanding political and economic ties with the rest of the world. These economic relations in and of themselves are no substitute for the economic benefits that would accrue from more normal relations with the United States, but they do provide sufficient space for Castro to refuse to give in to U.S. demands.

I think it is naive to think that the measure before us today is going to succeed in forcing Castro to step aside, where all other pressures have not. However, the measures proposed in this bill do have the serious potential of further worsening the living conditions of the Cuban people and once again making a mass exodus for Miami an attractive option. Taken to its most extreme, this bill could even provoke serious violence on the island.

This legislation is even more problematic than earlier efforts to tighten the screws on Castro. I say this because its implications go well beyond United States-Cuban relations. Not only does it alienate our allies and tie the administration's foreign policy hands, it also seriously injures certain Americans in order to benefit a class of individuals in the Cuban-American community. In the process, it throws out the window more than 40 years of international law and practice, in the area of expropriation.

Finally, it will make more difficult the transformation of the Cuban economy to a market based on economy, because of the complex property issues associated with these pending court judgments.

Contact and dialog between Havana and Washington will bring about democracy on the Island of Cuba, not isolation and impoverishment. Perhaps if we took that approach, our allies would seek a similar course, and realize that they might compromise some of their approaches with us.

I only ask my colleagues to observe the lessons of what happened with the removal of communism in Eastern Europe when it was forced out—when the light, free air, and freshness of democracy swept it out. But if you build walls and isolate that will not occur.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, thank you.

Mr. President, this legislation presents the Senate with an opportunity to remind the people of Cuba that we have not forgotten them. Nor have we forgotten the decades of suffering and oppression inflicted on them by the brutal Castro dictatorship which began in 1958. With freedom on the march throughout the Americas, Communist Cuba is desperately fighting to preserve its experiment in government through enslavement. Now more than ever we must redouble our resolve and our efforts to rid our hemisphere of thugs like Fidel Castro and those who support him. I am proud to cosponsor this legislation which specifically stiffens sanctions against the Communist elite of Cuba who are exploiting confiscated property in a last ditch effort to preserve their privileged status.

The most important element of this legislation is contained in title III. It creates a new right of action that allows U.S. nationals to sue those who are exploiting their confiscated property in Cuba. This provision is necessary to protect the rights of United States nationals whose property has been confiscated by the Cuban Government without just and adequate compensation—in fact, without any compensation. This new civil remedy will also discourage persons and companies from engaging in commercial transactions involving confiscated property, and in so doing deprive Cuba's Communist elite of the capital—the cash money—which they need to perpetuate their exploitation of the people of Cuba.

This legislation does not compromise existing foreign claims settlement procedures, nor does it dilute the claims of the original certified claimants. It simply provides an additional remedy made available to all U.S. nationals whose claims are not covered under existing settlement mechanisms. In fact, we are making the recovery process less complicated because it will protect additional properties until claimed by their rightful owners under the laws of a democratic Cuba which I hope will come soon.

In the recent past, the United States expended significant effort to liberate the people of Haiti from a military dictatorship. Today the Clinton administration continues to spend enormous sums of taxpayers' dollars on Haiti. Every day I grow less certain of the administration's resolve to ensure that Haiti's present government is committed to democracy and liberty.

Recent White House policies toward Cuba also cause me to question whether President Clinton has the resolve necessary to maintain United States pressure on the Castro regime. Regardless, there should be no doubt about congressional resolve to stay the course toward liberation for the people of Cuba. This bill is an essential step toward achieving that goal. I strongly support it and encourage colleagues to do the same.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is that this piece of legislation comes to the Senate floor without having been through a markup in the committee so that members of the committee could debate and potentially amend the legislation.

It, like so many other pieces of legislation these days, is cobbled together quickly—the Lord only knows where—and it is moved to the floor. And we are told, here is the issue. You go ahead and debate it. The regular order, of course, would be to have some hearings on something that represents a national problem, and, as a result of the hearings, understand the dimension of the problem and then to try to construct some appropriate, sensible, reasonable conclusion that addresses the problem, move it through a markup in the committee, and then bring it to the floor and debate it.

That is the way you would do something, if you are really interested in doing it the right way. But we see, unfortunately, a Senate and a Congress that these days seems intent on hour by hour and day by day changing the itinerary and the schedule and cobbling together some half-notion of what is in the press yesterday and how we might legislate responding to it tomorrow.

Well, I came to the floor today not so much to talk about Castro and Cuba. I know this bill is about Castro and Cuba. And I know that Castro and Cuba are a presence in our lives and around,

and that we have to respond to and deal with them.

Frankly, Fidel Castro and Cuba are not the most important things in the lives of people I represent.

We have a Senate that is in session today. Very few Members are here for debate. And we have in the Chamber on the agenda the need to discuss Cuba and Castro.

We have had hearings during this Congress on all kinds of issues. We have had 11 days of hearings on Waco. We have had 10 days of hearings on Ruby Ridge. We have had 24 days of hearings on Whitewater. But I represent a part of the country that has a fairly high percentage of the population of the elderly who are concerned about Medicare and Medicaid, policies dealing with nursing homes, hospitals, and doctors.

We are seeing a proposal for a substantial change in the Medicare Program, and there were not any hearings on the specific plan that was laid down about a week and a half, 2 weeks ago, none. Some might say, well, we held a bunch of hearings beforehand so we thought through it then. Now we have put together this proposal.

My question is, well, if you have a proposal that you held close to your vest here for some long while, then unveiled it at the last moment, why did we not have a day or a week or 2 weeks of hearings about what is proposed to be done with Medicare? What about the specific plan? What does it do? What is the impact? What will it mean to the future of Medicare? What will it mean for senior citizens who rely on Medicare, for rural hospitals?

There are a lot of things that are important. Castro and Cuba rank well below, in my judgment, the question of what are the priorities that this Congress is establishing for the future of this country.

One thing is certain. We are not certain about a lot of things, but one thing is certain. One hundred years from now no one here will be alive—no one. But 100 years from now those who choose to wonder what we were about, what kind of value system we had, what we cared about, what we thought was important and dear to us, they will be able to look at how we spent our resources in this country. They will be able to look at the Federal budget and say, here is how that group of Americans at that point in time decided to spend its public resources. And they will be able to tell a little something about what we felt was important, how we felt we would advance the interests of the country.

I sat in the Chamber of the House of Representatives this morning, as did some of my colleagues, and heard a wonderful tribute to the veterans of the Second World War on the 50th anniversary of the end of the Second World War. And it was remarkable to see the number of people who stood up in that Chamber when asked, all the Medal of Honor winners, to stand up. And you looked around with a tear in your eye and seen those people who won this country's highest honor, who exhibited uncommon bravery, risked their lives, were wounded, and did extraordinary things to save the lives of others. And you realize what people have sacrificed for this country, what this country has done for itself and for others around the world.

One of the speakers this morning was STROM THURMOND, a wonderful Senator in this Chamber, in his nineties. I assume he would not mind if we mentioned his age. It is probably published all over—a vibrant and interesting Senator who has been here some long while, and when he spoke this morning I was remembering a conversation I had with him.

He, as I recall, enlisted in the Second World War when he was over the age of 40 and went overseas and then volunteered to get up in a glider, to be pulled aloft at night with some volunteers to crash land behind enemy lines in Normandy. This was not an 18- or 20-year-old kid; this was a fellow in his forties who volunteered to risk his life to do that. And I had a talk with him one day about what was going through his mind: Was he scared? Was he frightened?

I will never forget the discussion I had with Senator THURMOND—a wonderful discussion. I just thought to myself, what some people have done, gone through in this country is quite remarkable.

There was then a spirit of unity that was extraordinary in this country. We came together to do things, do things to preserve freedom and liberty. There is a kind of a shattering of the spirit, some say, these days. I do not know that that is true, but I know that there is some discord because it is so much easier for people to focus on what is wrong rather than what is right, to focus on the negative rather than the positive. And I understand all of that. I understand the tendency people have to hold something up to the light and say, "Gee, look at that imperfection; isn't that ugly? Isn't that awful?"

Sure. But it is not the whole story. Part of the story of this country is not just the celebration of what we have done in the Second World War to keep this world free and beat back the oppression of Nazism. Part of the story of this country is what a lot of those in this Chamber who came before us decided to stand up and do for our country. I was not here when they decided we ought to have the Social Security system, but, boy, I cannot express enough gratitude to those who had enough courage to stand up in the face of cries of socialism by others, saying, how could you possibly propose a program like this?

Well, I am glad there were enough builders, enough people who decided there are positive things to do that benefit this country, I am glad there were enough of them around to stand up and have their vote counted, which meant we now have a Social Security system in our country. It probably was not very easy for them. It was not more than 30 years ago Medicare was proposed, and the easiest thing in the world is to be opposed to everything. The old story goes it takes more skill to build a building than it does to wreck a building. It takes no skill to tear something down. We all understand that.

I was not here in the early 1960's, but the first people who brought Medicare to the floor of the Senate, recognizing that half of the senior citizens of this country had no health care coverage, were willing to stand here and make the case for the need for some dignity and some protection and some security for the elderly in this country. I regret to say 97 percent of the folks on the other side of the aisle said, we are sorry; we do not believe in this; we are going to vote against it; Medicare ought not happen.

Well, we persisted, those who were here before us persisted, and we developed a Medicare Program. And it has been a wonderful program. Perfect? No. Are there some blemishes? Yes. Does it need some adjustment? Sure. Has it been a positive thing for the senior citizens of this country? You bet it has. Ninety nine percent of the senior citizens of this country now have health care coverage and do not in their declining years, do not in their older years sit in abject fear of getting sick. That is a wonderful thing and a wonderful story as a part of the progress in our country.

Some will say, well, you can talk all you want about Medicare and Social Security, but the fact is those things do not work; this country is coming apart. And they will cite as evidence some of the enormous challenges we face. And I understand some of those challenges. We have racial tensions in our country. We are racially divided and we must address that. Mr. President, 23,000 murders. We have a crime epidemic, and we have to find a way to solve that; nearly 10 million people who are out of work and looking for a job; 25 million people on food stamps; 40 million people living in poverty; slightly over a million babies this year will be born out of wedlock with no father; 8,000 to 9,000 of them will never in their lifetime learn the identity of their father.

Challenges? Troubles? Absolutely. Absolutely. But you do not solve those problems and you do not address challenges by running away and pretending they do not exist. The question is, how do we meet these challenges? Where do all of us meet these challenges? What

kind of things do we do first individually in our homes, then in our communities, and then, yes, in our elected Government, in the Congress? How do we come together with approaches and plans that address these vexing problems that confront our country?

If I did not think the future of this country is brighter than the past, I would hardly have the energy and strength to do this job. I am convinced that if you look at all of these problems together, you will conclude that a country that survived a major depression, that beat back the oppressive forces of tyranny and Nazism in the Second World War, a country that has met challenge after challenge, will meet these challenges. But we will not do it by turning our backs on the past and by deciding that those things that we have done together that make this a better country we should now take apart.

Most especially we are now in this Chamber involved in the process of making choices, choices about what we think will advance the interests of this country. It is not so much, in my judgment, choices between conservatives and liberals because, frankly, I think you have appetites in every chair in this Chamber to spend public money.

I recall when the defense bill came to the floor of the Senate, as will my colleagues. I was astounded to find that the bill for this country's defense, to appropriate money for America's defense, recommended by the Secretary of Defense and the four branches of our armed services, came to the floor of the Senate having had $7 billion added to it to buy ships, planes, submarines no one asked for, to buy B-2 bombers—20 of them are $30 billion—to start a Star Wars program and say; "By the way, we not only want to start it, we want you to deploy it in the field by 1999 on an accelerated basis."

The same people who come here and order B-2 bombers, whose cost for a nose wheel and a fuel gauge would pay for all the Head Start programs in our country with 55,000 kids, they also want to kick off Head Start, say to us: "Well, what is really important in our country is to have the B-2's. Do not talk to us about Head Start," they say.

This is all about choices. What choices do we make that advance this country's interests? The same people who came to this floor and said, "We want $7 billion more for defense. We want B-2's and star wars and so on"—and, incidentally, they also, I think page 167 of the defense authorization bill said they want $60 million for blimps. The hood ornament of goofiness is to buy 60 million dollars' worth of blimps. Lord knows what the Hindenburg strategy for buying blimps is. I searched far and wide in this Chamber to find out who wrote in $60 million to have blimps and failed to find out who it was. I concluded it is an immaculate conception in this bill with no discernible author.

Having said all that, the same people who wrote all of this into the defense bill said, when it came time to deal with the other side of America's needs: "We're sorry. We're out of money." We had plenty of money for this defense need well above what the Secretary asked for. "We insist you buy planes you did not ask for and ships you did not order, the two amphibious ships." Two of them—we chose one for $3.9 billion and one for $900 million. "Why be misers? We want to build both of them," they said. I will not even talk about submarines.

But the point is this: They said we can afford everything in defense, even what the Secretary of Defense did not ask for. We insist on wanting to give a tax cut, over half the benefit of which will go to Americans with over $100,000 in income.

So I brought an amendment to the floor and said if we are going to have to choose and we are going to set priorities, please let us do this, let us decide that the tax cut will go to working families and we will limit the benefits of the tax cut at least to those families earning below $100,000 in income and use the savings from that limitation of who gets the tax cut to below $100,000 in income to reduce the heavy cut they are going to make in Medicare. At least let us do that, limit the tax cut to those under $100,000 in income, and use that to try to at least eliminate some of the heavy hit on Medicare.

No, they did not want to go for that. All of them voted against it. Well, I want to give them another chance. I am going to offer another amendment this week, maybe $500,000. Would you agree at least to limit the tax cut to people who make less than $500,000 a year and use the savings in order to reduce the hit on Medicare? I mean, it seems to me this is all about choices and priorities.

A question we asked with respect to this budget is, do family farmers matter? Do kids matter? Is nutrition important? Does education advance this country's interests? All of those are questions we are asking. And we are answering those questions by what we decide to spend the public's money on.

Now, as I said earlier, I do not despair about the answers to these questions because I think one way or the other, one day the American people will come to the right conclusions. We want to get to the same location. All of us want to move this country ahead. We want this country to have more economic opportunity, more growth, better educated kids. We all want the same things but we have very different views on how we get there.

The new ideas these days, incidentally, are the ideas of block grants and flat taxes. I am thinking about the words "block" and "flat." It is really hard, it seems to me, to build a political movement using the words "block" and "flat." Block grants are, you just take all this money that comes into the Federal coffers and send it all back someplace else and say, "By the way, you spend it back someplace else, and no strings attached."

I say, why put 3,000 miles on a dollar? Why send money from North Dakota to Washington, only to send it back and say, you spend it, spend it as you wish? Why not cut down on the travel? You want to do that? You think nutrition is not a national need? Then why do you not just tell the Governors, You handle nutrition issues. You raise the money back home and you spend it? Personally, I would not support that. But that would be a more honest approach, probably a more responsible use of the taxpayers' dollar.

Flat taxes. That is an old, old idea dressed in new clothes that says, Let's have the wealthiest Americans pay less taxes and families pay a little more. I mean, it is part of the same philosophy that the problem in this country is the rich have too little and the poor have too much. And we must, some feel, come to this floor and make choices that remedy that by giving the rich more and taking from the poor.

Well, Medicare, Medicaid, education, family farming—these are the priorities, the issues that we need to discuss.

What about Medicare? Some say what are you talking about is cutting Medicare. No one is proposing cutting Medicare. No one. We are simply reducing the rate of growth. Let us analyze that just for a moment.

We know what it will cost to fund the Medicare program over the next 7 years. Two hundred thousand new Americans every month become eligible for Medicare. That is how America is graying. We know what Medicare will cost with the new people becoming eligible and also with the increased cost of health care each year. That being the case, if you cut $270 billion from what is needed to fund the Medicare Program, the fact is you are cutting Medicare. Yes, you are cutting the rate of growth, but you are also cutting Medicare in terms of what is needed.

Medicaid, well, if you cut 20, 25, 30 percent out of what a State needs—and North Dakota is cut 22 percent from what we need to fund Medicaid—then you say, By the way, there will be no national standards any longer for nursing homes. Do you think you have advanced the interests of this country, the interests of the poor, the interests of people who need help? I do not think so.

Education. Somebody wore a T-shirt once that said: "If you're interested in the next year, plant rice; interested in the next 10 years, plant trees; interested in the next century, educate kids." Education must also be our priority. The stamp of choice these days

applied in this Chamber is that does not matter as much as B-2 bombers, probably does not even matter as much as Cuba to some.

Mr. President, we do not have much opportunity to debate these issues in lengthy hearings, in lengthy analysis of what it all means to people, to people who rely on Medicare and Medicaid, rely on guaranteed student loans or rely on the safety net for family farmers.

So we must take this time on the floor of the Senate to discuss what all this means and where it moves America. I hope that no one will decide that these debates are unworthy or for one reason or another these debates do not matter. It is not a sign of weakness that we cannot agree and have debates. That is the way a democracy works. My hope is that these debates as they unfold will inform the American people about these policies and what they mean for the future.

Mr. WELLSTONE. Will the Senator yield?

Mr. DORGAN. I will be happy to.

Mr. WELLSTONE. I wanted to ask the Senator a few questions.

First of all, Mr. President, I want to ask the Senator from North Dakota—I mean, I try to spend time in cafes in Minnesota, have coffee, unfortunately too much pie, with the people and just ask people what they are thinking about.

Has the Senator found in North Dakota that, when you go into a cafe, on the list of people's priorities, the Senate right now should be debating Cuba?

I have a whole series of questions. Does it come up at all?

Mr. DORGAN. I was in North Dakota all last week because the Senate had no votes last week. I did not hear one North Dakotan talk to me about Cuba. It does not mean Cuba is not interesting or important; it is that they are interested in the issues that affect their daily lives—farm programs, Medicare, and so on.

Mr. WELLSTONE. The second question I want to ask the Senator from North Dakota is, I said on the floor last week—and actually sometimes words come to you, but I actually now believe that this is exactly what is happening—that what I see going on here is a rush to recklessness, a fast track to foolishness.

Is there, on the part of people in North Dakota—let us start off just talking about Medicare recipients. I want to ask you about medical assistance and some other programs as well. I mean, do you find both with the beneficiaries and with the caregivers, whether it be in the rural parts of the State—North Dakota is mainly rural—or some of your larger cities—that would be our metro area—do you find a tremendous concern about what is going on in Washington where people feel like we do not have the information of what is going on?

It is not even that people necessarily reached a conclusion yet, but that they really want to know. They yearn for information. And they want to know exactly what is happening and how it is going to affect their view.

How it is going to affect them? Do you sense that in your State, and what are the concerns that you hear the most from people?

Mr. DORGAN. I think people are worried about a lot of things. They are worried about the fact that we do not have a balanced budget. People want us to put our books in order, to balance our budget.

I agree with that, and most Members agree with that. This is not a debate about whether the budget should be balanced. A number of us supported a balanced budget plan that was offered during the budget debate on the floor of the Senate that does have cuts in all these areas but does not single out for unfair cuts or does not propose cuts that unravel programs that a lot of Americans rely on, and certainly did not say to people at the upper-income scale of our country, "You have a million bucks, $2 million, $5 million. Guess what? Start smiling, we're going to give you a big tax cut." That was not in our budget, because we think there is a right way to balance the Federal budget. Do the hard work, balance the budget, make the tough choices and then later talk about the tax system.

I would like to find tax relief for working families. But at the moment, let us figure out how you balance the budget, and there are different ways of doing it.

You do not have to balance the budget by saying, "By the way, we want a $245 billion tax cut, on the one hand, and then we want a $270 billion cut in Medicare, on the other hand."

Someone asked me in North Dakota, "Why don't you just decide not to do the tax cut and that would provide most of the money for the Medicare problem."

I said, "Some people feel very strongly that this country will only grow if you give the Wall Street crowd more money in the form of tax breaks."

I do not happen to share that. If we are going to give tax breaks, we ought to give it to working families. We ought not talk about tax breaks, even if it is popular at the moment, until we solve the deficit problem. And I want to solve it the right way, not the wrong way.

The wrong way is to decide, for example, on Medicare and Medicaid—Medicaid is a good example—that we will send that problem back to the States by sending bulk money in the form of block grants. We will send to North Dakota 22 percent less than what is needed for Medicaid, and then at the same time say, "Oh, by the way, there are no national standards for nursing homes anymore."

You know the consequence of that. We have been through this. We have seen nursing homes. We have seen nursing homes where they put some old person in a restraint system so they cannot move their arms, and they sit in a chair for hour after hour after hour. They cannot scratch their cheek, they cannot wipe a tear from their eye, they cannot move, and often are not attended.

We have seen circumstances like that in this country, and we decided there ought to be some basic standards for nursing home care. I have been in nursing homes plenty, plenty. I am pleased to say, at least the ones I have been in, especially the one with my father for a long, long while, I am pleased to say he got good care. But I do not want to go back to the old days when we say, "By the way, you don't care. If you're poor and old, that's your tough luck."

I think we ought to have circumstances where we say that national standards for nursing homes make sense. They were worthwhile, they are still necessary, and we ought to say that we are willing to take care of the needs of poor people who need long-term care in nursing homes. If we can take care of the needs of a millionaire to say, "By the way, you deserve a tax cut today," is it reasonable to say now we cannot afford to take care of someone who has reached 70, 80 years old who has Alzheimer's and no money? That does not square with the priorities I learned when I grew up in a small town in North Dakota.

Mr. WELLSTONE. If the Senator will yield for another question, and I know the Senator from Arkansas has done a lot of work in this area of nursing homes and may want to ask some questions, but I would like to ask another question of the Senator. I have a few more, and I will not speak so much. I will put it in the form of a question.

Last week I spent a lot of time, and I will not even talk about the education front of it right now, with the people in the State and also at a hearing at the State capital. I, too, visited a number of different nursing homes.

In my own case, both my parents had Parkinson's disease, so it is a very personal issue with me. I think when people can stay at home, that is the way you should do it, live at home with dignity. Sometimes people describe to me a nursing home as a home away from home.

A number of the caregivers said to me that they do not know—with the medical assistance, in Minnesota about 60 percent of our medical assistance funding is for nursing homes and about two-thirds of the people in the homes receive medical assistance—they said they do not know exactly how they are going to absorb these cuts. We have been hearing a lot about Medicare, but they are really frightened about these cuts and they do not know whether it

means they change eligibility or whether they reduce standards. I did not hear anyone, and I want to ask you this, I did not hear any one of the administrators——

Mr. HELMS. Point of order. Point of order. This is not a question.

Mr. WELLSTONE. I did not——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Point of order. Point of order. The Senator is not asking a question, he is making a speech.

Mr. WELLSTONE. Yes, I want to know whether or not in North Dakota you heard any cry for removing standards for nursing homes. That is my question.

Mr. HELMS. I will call the hand of any Senator who makes a speech while asking a question.

Mr. WELLSTONE. Mr. President, my question was based upon—I started out by saying this is what I found in Minnesota.

Mr. HELMS. It is not a question.

Mr. WELLSTONE. Did you have the same experience in North Dakota? That is my question, Mr. President. I want to know whether or not you found administrators in North Dakota who want to remove national standards and go back to the days of restraining belts?

Mr. DORGAN. I will respond to the Senator from Minnesota by saying I had a meeting in North Dakota with virtually all the nursing home administrators and hospital administrators, because I am trying to find what are the consequences. While nursing home administrators would like very much to see some loosening of regulations here and there, I do not know that there is a population of nursing home administrators who believe that you ought to eliminate Federal standards. None of them came to me and said, "Look, let's get rid of all Federal standards."

That was not what was described to me by nursing home administrators. They clearly would like fewer regulations, I understand that. I think even nursing home administrators were surprised by the proposal that we would have no Federal standards with respect to nursing homes.

Mr. WELLSTONE. Does the Senator agree if we do not have those standards, we will go back to the days of indiscriminate use of restraining belts and the drugging of people, and that when children visit nursing homes, will the Senator agree, that when children visit nursing homes, they want to make sure their parents are receiving compassionate care?

Mr. HELMS. The Senator is making a speech again.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator can only yield for a question.

Mr. WELLSTONE. That is the question.

Mr. DORGAN. I think, Mr. President, my point about nursing home standards is that the desire by some and the proposal now by the majority party to decide there shall be no national nursing home standards of any consequence is, I think, an extreme position, and I hope on reevaluation they will decide this goes way beyond the pale; that developing sensible standards was necessary and protects a lot of people in our country who deserve that protection. I hope that they will rethink that position.

Again, let me reiterate, we are talking about a series of issues—Medicare, Medicaid, education, family farming. This is not—this is not—an issue between conservatives and liberals, because I find it interesting that some of those who claim to be the most conservative Members of the Senate—I do not know who they are—but the most conservative Members of the Senate would, when the defense appropriations bill comes to the floor, say, "Heck, just spend the farm, spend it all. There is no proposal that is too grandiose for me. Whatever it is you want to buy, let me buy it. In fact, let's not buy 'it,' let's buy 10 of them. Let's order a dozen of them. Let's have a few of them made in my State."

That is sort of the attitude when that bill comes to the floor.

And I am thinking to myself, I am pretty confused about who is liberal and who is conservative. I thought these folks were people pretty close with the dollar, did not want to spend much, and all of a sudden it is like they are on shore leave. It is spend, spend, spend when those bills come to the floor. Then when a piece of legislation comes to the floor that deals with someone else's needs, they say, "Well, gee, we are out of money."

Well, this requires, it seems to me, a compromise and choices. It is all about priorities. We might radically disagree about priorities that advance this country's interests. But, in the end, I hope that we will finally get together and believe education, and the right investment in education, advances America's interests. End of story. I hope we can agree on that.

I hope we can all agree that there are ways to make certain that those who reach the retirement years of their lives and suffer health consequences and need long-term care really ought to receive the protection that a Medicaid program and Federal nursing home standards offer. I hope that we can come to those kinds of understandings between the most divergent positions here in the U.S. Senate. I hope that by the end of November all of us with differing positions, including the President, Republicans and Democrats, can find a way to sift through all of these differing positions and figure out a direction that makes sense for the country.

We will have to cut some spending in Medicare. I am saying that on the floor of the Senate. We need to do that. There needs to be an adjustment. It does not need to be $270 billion and should not be $270 billion. That is there because they need that to accommodate a tax cut.

So we do need to adjust Medicare, I agree. We need to make adjustments in a range of these areas. The question is, Which adjustments and how do we make them to advance the interests of this country? That is the important debate for us to have, I think, in the coming weeks. And often there has not been enough time for hearings so that we can make the case at hearings about the impact of these proposals.

Mr. PRYOR. Mr. President, I would like to ask the Senator from North Dakota if he would allow me to, through the Chair, address a question to my good friend from North Carolina and if he would yield to me for that purpose.

Mr. DORGAN. Yes.

Mr. PRYOR. Mr. President, I will address this question. I am wondering if my good friend from North Carolina would allow the Senator from Arkansas, say, at a time certain, to make a statement on what I consider to be the most important issue that is coming before this Congress through the balance of this session, which is the reconciliation bill. We will not, I remind my good friend—and I know he knows this—we will not have an ample opportunity—10 hours on a side—to properly debate perhaps one of the most monumental issues ever before the U.S. Senate, which is the tax cut and tax increase——

Mr. HELMS. If the Senator will yield for a moment, the Senator from North Dakota has not yielded the floor, has he?

Mr. DORGAN. That is correct. I have yielded to the Senator from Arkansas for a question.

Mr. HELMS. I cannot, under the circumstances, when an obvious filibuster is taking away the subject at hand—to answer the question of the Senator, I will be glad on a time certain to have the floor yielded to anybody who wants to make a speech. But our side wants to talk about the pending business.

I recall that when the reorganization of the State Department legislation came up, the first speaker that trotted out over there was that great statesman from Massachusetts, Mr. KENNEDY, who did not speak on the State Department. He spoke for 2 hours, 25 minutes on the minimum wage, a subject that he never brought up once when he was chairman of the relevant committee in the previous 2 years.

So if we could have an understanding that we will have a little bit of time on this side to discuss the pending legislation while you folks are making the speeches that you want to make, sure, I will make a deal with you. What does the Senator have in mind?

Mr. PRYOR. Well, Mr. President, I am not controlling time.

Mr. HELMS. I did not say the Senator was.

Mr. PRYOR. The Senator from North Dakota is controlling time on our side at this point.

Mr. HELMS. I established that, I think, with my question to the Chair.

Mr. DORGAN. Mr. President, I respect the Senator's wishes. This is not a filibuster. I wanted to take the floor——

Mr. HELMS. Oh, yes, it is. I know one when I see it.

Mr. DORGAN. Mr. President, I have watched filibusters and I have seen the good Senator filibuster. I can recognize one when I see one and have recognized them before with the good Senator. But this is not a filibuster. In fact, compared to some of the missives on the floor of the Senate, this has been relatively brief.

My intention was to come this afternoon, when I had an opportunity, to seek the floor and talk about some priorities and choices. I know others are interested in Castro and Cuba because that is the bill that was brought here. My understanding is there was no markup on the bill and no amendments offered. Anyway, it showed up on the floor of the Senate. I did not have anything to do with that. But I would like to talk about the priorities and some things that are important to me. I am pretty well done talking. It is not my intention to keep the floor. I know others wanted to do the same.

In deference to the Senator from North Carolina, it is not my intention to hold up the Senate.

Mr. DODD. If my colleague will yield, I will point out there was a cloture petition filed immediately when the bill was brought up. Under the rules of the Senate, it requires there is a cloture vote within a fixed amount of time. Even if we wanted to start a filibuster, that option has been pretty much precluded by the action taken by the majority leader.

We all know that they have at least six of our colleagues—four that are running for President—that are going to be in New Hampshire tonight. The majority leader has announced no more votes today. This is not a filibuster. We are accommodating those who could not be here. They have gone up to debate.

We are debating Cuba. But my colleagues are raising, I think, a legitimate issue. This bill has come to the floor without any markup by the Foreign Relations Committee. They are pointing out that this is another example of a piece of legislation that has not gone through the normal process.

We are having a major transfer of wealth occurring in a few days in this country from a cut in Medicare, Medicaid, a tax break of $240 billion, and we had zero hearings on that issue. Frankly, I think people do want—and I ask my friend whether or not he agrees with this—here we are going to spend a couple of days on Cuba, which has relevancy to some people. But ask the American people if they would rather see debate on Medicaid, Medicare, and a tax break, or some policy on Cuba. The effects of this legislation do not go into law until there is democracy in Cuba. I ask my colleague that.

Mr. HELMS. Mr. President, he cannot make a speech.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. The Senator is correct. I think everyone here knows this is not the issue of the day in the country—Cuba policy. It is the issue of the day on the Senate agenda, brought to us with relatively little notice, without going through a markup, which is fine. The fact is that the majority party has the right to do that.

Also, as the Senator from North Carolina knows, I have the right to come to the floor and seek recognition to speak about issues that are important to me. I would observe that no one in this Chamber is better on the issue of procedure on the Senate floor than the Senator from North Carolina. He knows that and I know that.

He also knows that, as a result of that, we are going to come to a time here in the matter of a couple of weeks in which the majority party is going to see this giant truck called reconciliation, with an empty box in the back, and they are going to throw everything in this reconciliation basket. They are going to throw Medicare, Medicaid, tax cuts, the farm bill, you name it, in that truck coming by. And what happens to folks on this side of the aisle?

The Senator from North Carolina knows what happens to us. We are limited in debate, limited in amendments. The fact is that we have a limited opportunity to get at these issues. That is what requires us to be here now and start talking about these issues, because we need that time to explore exactly what these policies are going to mean to this country.

I do not intend to prevent the Senator from having the floor. He has every right to seek the floor. He is managing the bill. I understand his frustration.

Mr. HELMS. I am not frustrated.

Mr. DORGAN. I simply sought the floor because there are things I want to say in the next couple of weeks, and every opportunity I get, I am going to do that. I want to talk about choices and priorities in this country. You and I want the same thing for the future of this country. Many in this Chamber share a different view, not about the destination but about how you get there. These are things I want all Americans to understand, the choices that are being made, and what it will mean to them.

Let me close as I began today. I began today talking about the ceremony—a quite wonderful ceremony in the Chambers on the 50-year anniversary of the end of the Second World War. It is remarkable when you think of what people gave for this country. Many gave their lives. There was a spirit of unity and a spirit of national purpose in this country at that time.

I had hoped, somehow, for us again in this country to rekindle that spirit of unity and national purpose, to build a better country, address this country's problems, fix what is wrong, and move on to a better and brighter future.

I think you want that, I want that. Part of achieving that is for us to have a healthy, aggressive debate about a whole range of choices in terms of how you get there, what you do to make this a better country. That is all my purpose is. With that I yield the floor.

Mr. HELMS. 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. 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.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas [Mr. PRYOR] be recognized for 15 minutes, at which time I regain 4 minutes.

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

NURSING HOME STANDARDS

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I also thank my friend from North Carolina for making it possible under these parliamentary procedures to allow me to speak for a few moments about what I consider to be, Mr. President, one of the more critical issues that is before the U.S. Senate in the next coming weeks with regard to 2 million nursing home patients who live in thousands of nursing homes across America.

I do not know, Mr. President, if people are aware of what is happening, what has happened in the Senate Finance Committee and the Ways and Means Committee, what will be happening on the Senate and House floors with regard to the Federal standards which were established in 1987 in a bipartisan effort that protects residents of nursing homes from abuse and neglect.

Mr. President, what is happening to these standards is they are about to be abolished. They are about to be annihilated. Mr. President, there are about to be no Federal standards—no Federal standards to protect 2 million elderly and infirm individuals who live in America's nursing homes.

I think that we ought to look, Mr. President, for just a moment at these 2 million people who are now residents of America's nursing homes to see if these protective standards should actually be eliminated as proposed by the Republican majorities in the Senate Finance Committee and the Ways and Means Committee.

Back in 1987, as part of the Omnibus Budget Reconciliation Act, the Congress put into place a set of standards known as Nursing Home Reform. Senator George Mitchell actually led in that effort, and I am pleased to say that I played a very small part in drafting these important standards.

In fact, it was a bipartisan effort. Republicans and Democrats came together, because nursing home standards should not be political. Now, even though these standards have led to improved care in our Nation's nursing homes—we are about to consider a so-called Medicaid reform bill, Mr. President, which would totally wipe these standards out.

Two weeks ago in the Senate Finance Committee meeting I offered an amendment to restore these protections during a Finance Committee markup and debate on Medicaid and Medicare.

My amendment was defeated on an 10–10 vote because, according to the leadership of the committee, it is "contrary" to the philosophy of the reforms being proposed, and we don't want to sacrifice flexibility.

Mr. President, just for a moment, I will draw a picture. I will draw a picture, a composite if I might, of the people who are living in the nursing homes in America. First, there are 2 million citizens, elderly and young and middle aged. People who reside in the nursing homes today are of all ages. Most of them are over 60.

In 25 years, we will no longer have 2 million people in the nursing homes, Mr. President, we will have 3.6 million people in nursing homes. That is going to come about two decades from now and it will be here before we know it.

We also find in these nursing homes, 80 percent of the residents depend on Medicaid to help them pay for their care; 77 percent of this nursing home population need help with their daily dressing; 63 percent need help with toileting; 91 percent need help with bathing; 66 percent have a mental disorder, and one-half of these residents have no living relative to serve as their advocate.

Let me repeat that, Mr. President: One-half of the residents of nursing homes, or approximately 1 million of these individuals, have no living relative as their advocate to come to their rescue and to take their case to the nursing home administrator or to the inspectors who inspect the nursing homes. One-half of this nursing home population of our country who reach the age of 65 are going to require nursing home care.

That means that one-half of all the people in this Chamber, one-half of all the people in the galleries in this great Capitol of ours, when they reach the age of 65, half of these folks, including me—I assume if I am around here that long—are going to require nursing home care.

Mr. President, that is basically a composite of who we are looking at and who we are trying to protect by restoring the Federal nursing home standards.

I find it very hard to believe that any meaningful reform that we might propose would be inconsistent with quality care in nursing homes. The very essence of reform is to get rid of what does not work, keep what does work and to make the whole program better.

Mr. President, we are committing an enormous mistake, an enormous mistake in even considering the elimination of our quality standards. The very reason that we have these standards to begin with, let us go back, the very reason the Federal Government stepped in is because the States would not. The Federal Government had to protect these people in these nursing homes because the State regulations were inadequate.

Mr. President, I know that we in Congress are very hard at work examining every program to find ways in which to increase flexibility to the States. I am for flexibility. I am a former Governor. I believe in flexibility. I believe we ought to eliminate what we call big government at every opportunity we can, that we need to return more power to the States, local decisionmakers, and I think my record indicates that I have supported that with my vote.

Mr. President, I want to say, though, I have a very difficult time believing that when people in America think of big government, they are thinking of the laws that provide for the most basic and minimum standard of care for the most frail and the most vulnerable among us.

I want to pose a question that I will be posing when we actually get to the debate on reconciliation, and I am going to ask this question to my good friends and colleagues on the other side of the aisle.

Now that we have finally, since 1987, finally come to the place in this country where we have just the bare minimum of standards to protect these 2 million individual residents of nursing homes, I would like to ask my colleagues, and I will pose this question at the appropriate times: Which rights that belong to these individuals now would you like to eliminate? What about the right to choose your own doctor? I wonder if our Republican friends are going to want to eliminate that right, which is today a right given by the full force and effect of the statutes of the United States of America?

I am going to ask my colleagues on the other side of the aisle would they like to eliminate the right not to be tied to a bed or a chair, or restrained? Are they willing to eliminate that right? I am going to ask that question to my colleagues on the other side of the aisle, just as I asked that question to my colleagues in the Senate Finance Committee on the other side of the aisle 2 weeks ago. I did not get a response to that question.

I am going to ask a third question, Mr. President, when we get to reconciliation and we start debating these statutes and these standards they are attempting to repeal now. What about the right of privacy, to have private medical records protected? Do our colleagues on the other side of the aisle want to eliminate that right? I am going to ask that question. What about the right of privacy in communications and the right to open your own mail and to read your own mail without someone reading it before you get it? What about that right, that is today guaranteed under the 1987 regulations that we enacted, I must say, through a bipartisan effort? These are some of the rights, some of the most basic rights that our friends on the other side of the aisle are attempting to annihilate.

There is a great deal of irony here, Mr. President, and that irony is that no one outside of the Congress has come to us and said we want you to repeal the nursing home reform law. At first, when I heard our colleagues, the Republicans, were going to repeal these Federal guidelines, these Federal standards that we worked so hard to achieve through a bipartisan effort with President Bush helping us to put these standards into effect, I said: OK, here comes the nursing home lobby, the nursing home administrators, the nursing home owners. They have come to Washington and they have gone over here and they have gotten them to try to repeal and annihilate these particular regulations.

Mr. President, the odd thing is, I talked yesterday to one of the largest chain operators in America of nursing homes. He said,

> We think the standards are good. We think the standards are working. We think the standards help us treat our residents better and we do not want to see those standards taken away. In fact, we think they are more efficient.

But, just last Saturday, in the New York Times, the executive vice president of the American Health Care Association, Mr. Paul Willging, said, "We never took a position that the 1987 law should be repealed." The New York Times reporter was unable to find anyone at this nursing home owners convention representing the industry who would say they wanted the law repealed.

I would like to point out that not only were these standards enacted with broad bipartisan consensus, there is also scientific evidence that they are working. They are improving nursing home care. They are making life better for those among us who live in nursing homes.

For example, we have here what is not a very pretty chart, I might say. I hope I will have some others in the next week or so. In the area of physical restraints, since this particular law has been passed, since we finally have minimum standards for nursing homes, we have decreased the need for physical restraints from 38 percent of the nursing home population down, now, to 20 percent. That is an amazing statistic for us to look at, and to show and demonstrate beyond doubt that this particular set of goals is working.

We also see another startling fact. Since we enacted these nursing home standards, we see now that when a nursing home patient becomes a hospital patient, he or she only has to spend, today, 5.3 days in that hospital as compared to 7.2 days before. The reason is because you have fewer bedsores, you have nursing home patients who are healthier, who are stronger, and whose quality of life has been better.

Also, let us look at another small chart here: The decrease in problematic care. There is a dramatic decrease in indicators or poor quality care—use of physical restraints, use of urinary catheters. It demonstrates without question we are seeing a very rapid decline in the need for these particular restraints to ever be used in nursing homes again.

Last Saturday, a Republican spokesman for the House Commerce Committee was quoted in the Washington Post as saying that the proposal to strip away the safety standards in nursing homes is "the ending of a 8-year experiment." This individual went on to say, and here again I am quoting, that the standards are "confining, expensive, and counterproductive." Last Friday, at a hearing on the Medicaid Program in the Senate caucus room, we were presented with the results of a scientific study by the independent, well-respected Research Triangle Institute. Rather than being confining, expensive, and counterproductive, as the Commerce staff member had claimed, this very, very distinguished study showed that the standards are in fact liberating, that they are cost effective, and result in improved outcomes. I say liberating because the standards have decreased the unnecessary use of physical and chemical restraints in nursing homes.

According to the Research Triangle Institute, since the nursing home reform standards were implemented in 1990, the use of restraints has dropped by 50 percent. So it does not sound to me like these standards have been confining for nursing home patients.

Mr. President, I would like to address an issue in the Medicaid debate which is of great concern to me—the issue of whether or not we should repeal the law which protects residents of nursing homes from abuse and neglect.

Back in 1987, as part of the Omnibus Budget Reconciliation Act, the Congress put into place a set of standards known as nursing home reform. Senator Mitchell led that effort, and I am pleased to say I helped draft these important standards. Now, even though the standards have led to improved care in our Nation's nursing homes, we are about to consider a so-called Medicaid reform bill which would wipe them out. I offered an amendment to restore these protections during the Finance Committee debate on Medicaid and Medicare. My amendment was defeated on a tie vote because, according to the leadership of the committee, it is—quote "contrary"—to the philosophy of the reforms being proposed.

Well, I find it hard to believe that any meaningful reform we would propose would be inconsistent with quality care in nursing homes. The purpose of reform is to get rid of what does not work, keep what does work, and make the whole program better. I think we are making a big mistake in even considering eliminating our quality standards. I, for one, hope we do not enact this dangerous change. We should not turn our backs on our frail elderly nursing home patients.

Mr. President, I know that we in the Congress are hard at work examining every program to find ways in which to increase flexibility for the States. There is a general mood in the Nation that we want to do away with Big Government and return more power to State and local decision makers. However, Mr. President, I have a hard time believing that when people in America think of Big Government, that they are thinking of the laws which provide a minimum standard of care for the most frail and vulnerable among us.

Mr. President, it is well known that as a former Governor, I am a strong supporter of States' rights. I have devoted much of my career to doing away with Big Government in the negative sense. I support ending Federal mandates which make unreasonable demands on our citizens. However, I do not feel that the nursing home reform law makes unreasonable demands. It is simply not unreasonable to ask nursing homes not to tie up residents, or administer mind-altering drugs to them, simply to quiet them down for the convenience of staff. It is not unreasonable to ask nursing homes to allow residents and their families to participate in decisions about their care. Mr. President, it is above all not unreasonable to ask nursing homes to ensure that care is provided to these vulnerable residents by an adequate staff that is well trained.

When we talk about ending Federal mandates, it is often because an industry or some other interest group has asked for the repeal of a particular law or regulation. The irony of this instance, Mr. President, is that no one outside of the Congress has asked that we repeal the nursing home reform law. Not only was this law accompanied by unprecedented consensus when it was first enacted, it still enjoys the support of the industry being regulated. Mr. President, if anyone were clamoring to repeal this law, we would expect it to be the nursing home industry. But just last Saturday, in the New York Times, the executive vice president of the American Health Care Association, Mr. Paul Willging, said—and I quote—"We never took a position that the 1987 law should be repealed." The New York Times reporter was unable to find anyone representing the industry who would say they wanted the law repealed.

Mr. President, I would like to point out that not only were these standards enacted with broad bipartisan consensus, there is scientific evidence that they are working. These standards are improving care. They are making life better for those among us who live in nursing homes.

Last Saturday, a Republican spokesman for the House Commerce Committee was quoted in the Washington Post as saying that the proposal to strip away the safety standards is "ending an 8-year experiment." He went on to say—and here again I am quoting—that the standards are "confining, expensive, and counterproductive."

Mr. President, the data we have so far lays waste to those unfounded assertions. Last Friday, at a hearing on the Medicaid Program, we were presented with the results of a scientific study by the independent, well-respected Research Triangle Institute. Rather than being confining, expensive, and counterproductive, as the Commerce Committee staffer claimed, this research indicates that the standards are liberating, cost-effective, and result in improved outcomes.

I say liberating because the standards have decreased the unnecessary use of physical and chemical restraints in nursing homes. According to the Research Triangle Institute, since the nursing home reform standards were implemented in 1990, the use of restraints has dropped by 50 percent. And the Republicans claim that the standards are confining? It does not sound to me like they have been confining for nursing home patients.

And lest you think that unrestrained patients are more difficult to care for, let me get to the second point—the standards are cost-effective. This study indicated that less staff time is needed to care for patients who are unrestrained. In addition, because patients

are receiving better care and staying relatively healthier, they are being hospitalized less often. According to RTI, nursing home patients are suffering from fewer injuries and conditions caused by poor care—this translates to a 25-percent decrease in hospital days—resulting in a $2 billion per year savings in Medicare and Medicaid combined. So how can it be said that these standards are expensive?

The RTI study also points to improved patient outcomes—and I know of no better measure of nursing home productivity. There has been a 50-percent reduction in dehydration, a 4-percent reduction in the number of patients developing nutrition problems, and we see 30,000 fewer patients suffering from bedsores. We are also seeing significant declines in the use of indwelling urinary catheters, a reduction in the use of physical restraints, and far fewer patients who are not involved in activities. This contributes greatly to quality of life. The RTI data also show that since nursing home reform was implemented, patients are suffering less decline in functional and cognitive status. So I ask my colleagues on the other side of the aisle, how can it be said that these standards are counterproductive?

Mr. President, I pointed out earlier that the nursing home industry has not asked for a repeal of these standards. The industry is concerned, however, about the depth of the cuts being considered with respect to the Medicaid Program. Although nursing homes support the quality standards, they are understandably concerned about their ability to maintain these standards in the face of deep cuts in funding. This is a serious issue which we must address, Mr. President. But when we address these concerns about funding, we should start with the assumption that standards must be maintained. We should start with the assumption that we will not repeal a law which no one has asked us to repeal. Instead, what I fear my colleagues on the other side of the aisle would rather do is throw standards out the window, cut the funding indiscriminately, and then hope for the best. Mr. President, I am not willing to take such a chance with our frail elderly. I hope my colleagues in the Senate will join their voices with mine in this call to protect our vulnerable nursing home residents.

Mr. President, I would like to close by saying, during this debate on reconciliation, in which there will be very little time, we are going to look at this particular issue and a lot of other issues that relate to it. We are going to look at the need to continue, for example, the reimbursement, the rebate for the States that have Medicaid prescription drug programs. This is something the drug industry is fighting, but it is something we have to maintain so the States can get the best possible price for the drugs that they provide for poorest of the poor population.

There are going to be many other areas that we are going to look at. But we thought today would be a good day to start the debate on reconciliation, because we know the time will be short once that debate is actually, technically and literally begun.

Mr. President, I again thank my good friend from North Carolina who has been most cooperative.

I yield the floor.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, I believe the distinguished Senator from Georgia is seeking recognition.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I come to the floor in support of the measure which is before the Senate, somewhat different than the previous speakers we have heard, to rise on behalf of the Cuban Liberty and Democratic Solidarity Act, otherwise called Libertad.

I hope the good chairman of the Foreign Relations Committee will let me embrace an issue of international consequence, as a prelude to my comments here.

A distinguished Member of this body, my good colleague from Georgia, Senator NUNN, as everybody knows now, has announced that he will depart the Senate after the conclusion of his term. Of course, this has an enormous impact in our home State of Georgia and the Nation as well. I told the Senator when we visited just before his announcement that he left a very rich legacy for himself, for his family, for our State, and for the Nation. We are all indebted to the service of the distinguished senior Senator from Georgia. It has been long, it has been arduous, statesmanlike, and it has been civil. And the Senator from Georgia has made a significant contribution to his era in the history of the U.S. Senate and our country.

I first met the Senator from Georgia when he was in the House of Representatives and just before I became a member of the Georgia Senate. And he was equally held in high regard in our home State as he was here on the national scene.

A lot of people have asked me what the effect would be of his departure. And I said, of course, there will be an interim effect, but I also pointed out that in our vast democracy filled with talent, capacity, one of the rich treasures of it which we have seen throughout our history is that we regroup and move on.

But another point I would like to make is the Senator in his closing statement in the House Chamber pointed out that he is not leaving public life, that he will continue to be an activist in public policy and a resource not only to us in the Senate but to the Nation as well.

So I wish the Senator every goodwill, and Godspeed to him and his family as they pursue a new adventure. He will be missed here. He will be appreciated. And as a fellow Georgian I think I speak for all of those in our State, we hold him in the highest regard and wish him the very best in his future.

Of course, the Senator from Georgia has been on the international scene for a long time. He has watched the effects in Cuba of an avowed enemy of the United States in one Fidel Castro. Fidel Castro has throughout his history been an arch enemy of the United States and its people. And to this day he has not disavowed any of his intentions nor his hostility to this country and its people. He has been the exporter of terrorism. He has been the exporter of revolution. He has been the exporter of turmoil. And its effect in our hemisphere has been significant, and its effect here in the United States has been significant.

There are those among us who think that this is the time to open relations with Cuba and that it will, through communication and interaction, cause Fidel Castro, this archenemy of the last three decades, to somehow soften his stance.

That reminds me of the Soviet policy. This Nation's capital was filled with Soviet apologists who felt that the definition of the Soviet Union as an "evil empire"—like former President Reagan—was the inappropriate approach to dealing with the Soviets. He felt that power and the force of power was what it was going to take to cause the Soviet Union to implode, and he was correct. Many of these apologists have become awfully silent. But there can be no doubt that the firm, forceful, aggressive policy of the United States toward the avowed enemy, the Soviet Union, had an impact and effect.

Mr. President, no one is suggesting that Fidel Castro is near the national concern as the Soviet Union was, but certainly anything that is 90 miles off the coast of the United States that is an avowed enemy needs to be watched very, very closely.

And I think the Cuban apologists are wrong, too. I believe that the policies of the last 30 years by Republican and Democrat administrations—by the vast majority of the Congress to impose tough sanctions, embargoes, and to hold firm that we are going to keep the pressure on this government of Fidel Castro until there is liberty, until there is democracy, until there is freedom—are absolutely correct.

This legislation is nothing more than an extension of U.S. policy as it has been shaped in a bipartisan way, as I

said, by Republican and Democrat administrations alike.

Mr. President, this is absolutely no time for us to rewrite that policy. We are succeeding. Now that the Soviet Union cannot spoon-feed Castro, the sanctions are imposed and they are feeling the pressure of this United States power, it should be continued. It should not be modified. It should not be nullified. It should not be weakened. It should be toughened.

When you look at the nature of life in Cuba today, we still have a litany of human rights violations, personal rights and freedoms being tramped on. This is not a leader with which the United States should put its credibility on the line, nor ratify and certify, nor give strength by the suggestions that we should begin negotiating in good faith with a man who has such a history of totalitarian oppression.

Mr. President, one of the provisions which is somewhat controversial, but I think one of the more important pieces of debate with regard to the legislation, is title III, which has two parts. It denies entry into the United States to anyone who confiscates property or traffics in confiscated property; and, No. 2, it gives the U.S citizens valid property claims and a private right of action in Federal court.

I have been very concerned about property rights of U.S. citizens in foreign countries in our hemisphere for some period of time. Cuba is not the only country with which we have difficulties in regard to the interests of United States property owners in other countries. It has been at the center of a long debate—I see my colleague from Connecticut—with regard to Nicaragua and other countries. And considerable progress has been made in the aftermath of President Chamorro's new democracy for about a year. We were thrashing through this issue, and over and over making the point that U.S. citizens who own property there needed appropriate dispensation of that property. I think that discussion bore fruit, and many of those properties are now being settled. And I give much credit to the Chamorro government for the good faith in which they came to the table and tried to deal with those legitimate property rights. I think that will no longer be an issue in the not-too-distant future.

In the case of Cuba, however, we have 5,911 American property claims valued at $1.8 billion in 1960 value. This is an enormous issue. No one denies the confiscation. The Cuban Government has shown absolutely zero respect for this property and has indicated no intention of addressing the issue. And, to complicate it even further, they are using the property to produce currency in their hard-pressed economy.

What this involves is taking the property that was lawfully owned by people who are now U.S. citizens, or were U.S. citizens at the time, confiscating the property and actually entering into a world market on the property. We have a situation now where citizens of other countries in our hemisphere are negotiating with the Cuban Government and purchasing these properties for which there are claims by U.S. citizens and selling them to foreign nationals of other countries.

Mr. DODD. Will my colleague yield on this point? I do not want to interrupt his time, but it is an interesting conversation. I wonder if he might just yield.

Mr. COVERDELL. I will be glad to yield.

Mr. DODD. I am going to raise this in my own time. But my colleague brings up probably the most controversial part of the bill. He properly identified it as a controversial one. He is absolutely correct in identifying the number of certified U.S. claims as 5,911, that were the result of actions taken by the Castro government after 1959. Control of the country.

My concern here is not that issue at all. That is going to be difficult enough to deal with. Nonetheless, I feel confident we can ultimately address those claims. What I think we do here is add a new element to the problem which he has already alluded to, and that is what has heretofore been international and U.S. law with respect to the resolution of confiscation of property of a U.S. citizen. We are now going to expand the definition to include the property of Cuban nationals who left the country and became U.S. citizens subsequent to their property being taken.

We are talking about roughly a million people who have left Cuba. The estimates are that perhaps as many as hundreds of thousands of these individuals left behind property—no one suggests that everyone of the million people who left will have claims against Cuba, but several hundreds of thousands well may. So we add to the 5,911 claimants already certified, potentially, as many as 300,000 to 400,000 additional potential claims.

Those of us who are concerned about that provision naturally ask the question why we are prepared to provide special legal rights for this category of individuals. After all we have Polish-Americans, people who have left the former Soviet Union, people who fled China, as well as other countries of repression and left behind or had taken their property by former regimes. I think, any one of these groups can legitimately come forward and ask for similar treatment if we change the law.

There is a reason for current international law and practice in this area. Under existing law, the U.S. Government is responsible for espousing the claims of persons who were U.S. citizens at the time the confiscation occurred. For those individuals who were sovereign nationals of the country in question, the issue is with acts of their government. If we change domestic law in this one case, I think we can fully expect individuals who may have also lived under a Communist government to say why not us; we left; you have changed the law to for one group of people; we would like a similar application of the law in our case.

I just raise this with my colleague, and I am going to address it at greater length here, but it is one of the major concerns I have with this bill. I see it subjecting our Federal court system to substantial increased costs in order to process these new claims. In addition I am concerned that these new claims will probably make it very difficult to resolve the 5,911 certified U.S. claimants who have a right under longstanding law to have their claims addressed. These claimants have expressed that very concern. There are some strong letters from them—worried about exactly what happens to them as a result of this explosion of claims that may come before the court as a result of this legislation.

I raise that just as an issue. I know my colleague has been involved with the issue of expropriation generically, as have others. Expropriations have occurred in many countries—Panama, El Salvador, Nicaragua, a whole host of countries.

With respect to the issue you raise about companies from other countries doing business in Cuba. By my count 58 countries have some form of business interest in Cuba today. Great Britain has a number of interests—France, Germany. It is not just Latin American countries. Some of the most conservative democratic countries in Europe have major economic enterprises there. And we will virtually be precluding entrance into this country citizens of our allies in Europe who may have business interests there. Do we really want to alienate our closest trading partners in this way? It seems to me that we may be raising a tremendously complicated problem for ourselves down the road. I raise that for my colleague's comments.

Mr. COVERDELL. I appreciate that. As the Senator noted, I singled this out as one of the more controversial provisions.

Mr. DODD. He is absolutely correct.

Mr. COVERDELL. And my colleague would also acknowledge that this issue does not confine itself to Cuba alone. In fact, one of the countries in which we both maintain a rather high interest is Nicaragua, and that very question is preeminent in the struggle to resolve property rights of individuals who were Nicaraguan citizens at the time, came to the United States, became U.S. citizens and are now claiming property rights in Nicaragua.

So my response to my colleague from Connecticut is I believe that it is time

for this to be elevated in debate and search such as we are doing today and will continue through the process of dealing with this legislation.

Frankly, I believe we need to obtain the interest and attention of the countries that the Senator pointed to, and I might also point out they are on both sides of our northern and southern border, too, with Canada and Mexico dealing with properties that were, in the Senator's definition, without question property confiscated by the Castro government, acknowledged property owned by U.S. citizens at that time.

Those properties—forget for a moment the question the Senator raised about expansion, which I think is a legitimate question. Those properties are being bartered by the government with full knowledge. We are not having a situation here where over the years the title is confused, a citizen acquired it or got it and somehow has sold it to a foreign national of another country. This is a program on the part of the Cuban Government to deal with its currency problems, which are immense. And I think the United States is morally required to confront that issue, I think not only with Cuba but we need to be making a statement, we need to be searching for resolution with our allies in terms of our respect for U.S.-owned property.

On a broader scale, I would say to the Senator from Connecticut, I think this is an issue that has not received enough attention, whether it is in Cuba or Nicaragua or some of the former Communist governments even in Europe. And I believe it is an issue of law.

I am not a lawyer, as is my distinguished colleague. But it is a question that requires more definition in this era of international history. We are talking about a period where we have an interdependent economy, far more open economy. We all acknowledge that. This question is basically in law 30 years or more old.

I think it deserves attention, and I am glad the Senator from North Carolina put it in the bill because I think it is going to force all of us to confront the issue more effectively than we have in the past. That would be my response to the Senator from Connecticut.

Just one more piece on that. The fact that the business interests in our immediate hemisphere, in our immediate sphere of influence, feel free enough to engage in transactions that affect these known properties, I think is very serious.

I hope the discussion—in fact, I would take it even further. I think that we may come to the point where we need to be entering into direct discussions with these governments with regard to these particular properties. I am talking about the 5,911 claims. There is a rather—I will not get into detail, but there is a rather elaborate circumstance of a company in Canada today that, with full knowledge of the situation, is pursuing and developing one of these pieces of property.

So, Mr. President, the point I want to make here is that this legislation is a direct extension of contemporary policy with Cuba that has been shaped by Republican Presidents and Democrat Presidents since Cuba was taken over by Fidel Castro. That is No. 1.

No. 2, I believe this entire question of property deserves and requires far more attention than it has received. And I think this is a valid attempt to deal with that. I am absolutely comfortable that the debate will modify this language before the end of the day, but I think it is appropriate that we are being drawn to this debate.

No. 3, the conditions in Cuba continue to be extensive human rights violations, extensive oppression, and imprisonment. It is an arbitrary, totalitarian government with its leadership showing no signs of any legitimate movement to democracy. And, Mr. President, I think it must be noted that Fidel Castro, exporter of terrorism, exporter of revolution, has made no—zero, none—accord to a movement to democracy or to renounce his adversarial, hostile attitude toward the people and Government of the United States of America.

And that is why I stand in support of the thrust of the legislation that is before this Senate today.

Mr. President, I yield the floor. I think the Senator from Connecticut is seeking recognition.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Chair. I appreciate my colleague's yielding to me in the middle of his remarks. And I just wish to make the point, I urge my colleagues here in the coming 2 days—I know that they have a lot of other things on their mind—to take a good, hard, close look at this bill. Because in the consideration of any matter like this, we ought to all ask ourselves several basic questions, the first being: Is what is being proposed in the best interests of our own country? That is the first question.

Put aside for a second what it may do to the targeted country where we are focusing the legislation. But what does it do to our foreign policy? And then, second, the obvious question: Is the legislation going to achieve the desired results? Those are two pretty basic questions we ought to ask ourselves.

Mr. President, when it comes to the issue of Cuba, unlike even North Korea apparently, but Vietnam, the People's Republic of China, the Eastern bloc countries—when still under the control of the Soviet Union—the Soviet Union itself, despite all of our difficulties, we managed to, at least for the most part, try to conduct our foreign policy in a way that made sense for us. That entailed having relations with them. And, in many of those cases that I have just mentioned, achieved the desired results such that today we find ourselves in a situation that is far beyond the imagination of most of us. The Eastern bloc countries that were under the control and the thumb of the Soviet Union today are struggling with their own form of democracy, but the world has changed.

I would make a case there were several reasons for that success. Certainly, on the one hand was the fact that their economies ended up being bankrupt because they spent such a tremendous percentage of their gross domestic product on arms.

One can argue that buildup had a desired effect economically. But I would also suggest, Mr. President, that it was the clever, clear idea that exposing the peoples of those countries to the fraud that was being perpetuated on them by the controllers, as well as the options that existed elsewhere, also contributed to the change that occurred.

I want to get to that argument as we look at Cuba. But Cuba is unique. This is almost a domestic political debate rather than a foreign policy debate, I would say. If we could step back and say to ourselves, what is in our best interest and how do we collectively, in a wise and thoughtful way, try to propose ideas that are going to achieve, as soon as possible, the desired results. Those results are to bring democracy to Cuba. We all agree on that.

However, if you disagree with all of the tactics of how to achieve that, then you are immediately suspect and usually the victim of a lot of name calling about where your political leanings are. God forbid you disagree with how we might achieve the desired results.

And so my objection to the bill being offered by the Senator from North Carolina is not what the Senator from North Carolina or others desire. I do not believe there is probably any debate about that or any division here. I think every one of us would like to see democracy come to Cuba. I will not say restored to Cuba, because the notion somehow that prior to 1959 we were looking at a democratic government is specious. But let us bring democracy to Cuba.

How do we best achieve that? What steps should we take? How do we work collectively with our allies, in this hemisphere and elsewhere, to produce those results? If we can step back and do that without worrying whether we are going to offend various factions or groups in this country that have, at least as far as I am concerned, a certain amount of right to be red-hot angry over the situation because they are the ones who were victimized or their families, then I think we might actually make some significant steps forward.

I mentioned briefly a moment ago that my concern with title III of this

bill is because it potentially exposes our country to a tremendous number of similar problems in other places where there will be claims of an equal degree of legitimacy. There are 38 countries in the world where we presently have, Mr. President, outstanding claims by U.S. citizens against those governments because properties have been expropriated and there has been no compensation. I have now become a U.S. citizen, and I'm going to go to U.S. courts and try and get paid for it."

(Mr. ABRAHAM assumed the chair.)

Mr. DODD. Mr. President, that will cause an explosion of demands on our U.S. court system. So the first test is, what is the impact of this legislation on us, put aside for a minute on Cuba, on us? And if my colleagues will merely look at just what it does if we only take the Cuban case and given the average court costs associated with such claims and multiply it by the number of claimants, it is a tremendous amount of money the United States taxpayers will be asked to come up with so that our courts can handle this.

I would also argue that it is going to be rather difficult for us to turn down other claimants who lived in other countries at the time there was an expropriation without compensation. They are going to want the law changed for them as well.

So I urge my colleagues over this next day or so to please examine this provision of the law and understand that while you are trying, and I think all of us are, to effectuate some change in Cuba, that in doing so, we may be doing more injury to ourselves, adding more of a financial burden on ourselves, complicating things for ourselves without necessarily doing anything to Cuba.

I hope people will pay some attention to this, step back a little bit: "If I don't vote for this I will look like I am not for democracy in Cuba," or "I am in favor of Fidel Castro if I vote against the bill." That is not the case at all. Look at the provisions and what we are doing.

There are several basic questions we ought to be asking, and I will try over these next several minutes to address each of the questions that I think ought to be raised, aside from the basic questions about whether or not the bill before us is going to help or hurt the United States and, second, whether or not it is going to have the desired effects on the country in question, in this case Cuba, to effectuate the desired results, and that is a change to democracy.

Are we more likely as well to impose additional hardships on the people of Cuba, not the Government, but the people of Cuba? That is a legitimate question, it seems to me. Are we going to make the transition to democracy more difficult or less difficult if this legislation is adopted and signed into law? Finally, will this legislation place added strains on our relations with other governments?

I am not suggesting that this final question in and of itself ought to be the sole criteria, because if what you are doing is right, if it is good for us, if it produces the desired results, I am willing to accept the fact that some other governments may be uncomfortable.

I recall during the debate on whether or not to impose sanctions on the Government of South Africa, there were many of our allies that were uncomfortable. My reaction then, as it would be now, is so what, in some ways. We have to be a leader in the world, and if that is what it takes from time to time, then you ought to be willing to sacrifice that. But consider what you are doing. Make a very careful calculation as to whether you are going to produce results that you are seeking.

Lastly, as I said earlier, whether or not we are going to overwhelm our Federal court system, which I think is a very important question people ought to look at.

So, Mr. President, today we begin this debate. By the way, let me say to my colleagues, I think the raising of the issue of the Medicare and Medicaid debate and long-term care issues of nursing homes, while obviously not the subject of the bill before us, I think does raise a legitimate question, and that is, here we are now going to consume 2½ days of the Senate's time on this one bill. A cloture motion was filed immediately. So we are now going to take up 2 days. We did not have 1 day of hearings on Medicare or Medicaid with regard to the proposal that is now being considered by the Finance Committee.

I think Members of this body raise a legitimate issue when they question whether or not the priorities of the American public, if given the choice to express themselves, would have this body spend 2 days debating Medicare, Medicaid and long-term health care conditions or Cuba. I do not have any doubt in my mind what their priorities would be.

So we are going to end up next week or the week after with 20 hours equally divided, 10 hours on a side, to discuss all of Medicare, all of Medicaid, all of the tax breaks, all of the earned income tax credit provisions, and yet I am going to have 2½ days, apparently, to talk about one bill affecting Cuba.

Maybe somebody else thinks that is the priority of the country. I do not think so. Yet, that is the position we are in, because the majority has decided that is what the order of business will be.

I would have urged we spend 2 days with a good healthy debate on Medicare and Medicaid and long-term health care without necessarily having a bill in front of us, but a good solid discussion of what we are going to do in the next several weeks to millions of Americans and their families, and yet we are going to spend 2½ days on an issue that has not even had a vote in the Foreign Relations Committee. We had some hearings at least on the Cuba bill. No hearings on Medicare, Medicaid or long-term nursing home care and, as the Senator from Arkansas pointed out a moment ago, we are now going to strip regulations from legislation we adopted in a bipartisan fashion only a few years ago.

Mr. President, I want to turn, if I can, in this debate about Cuba to the decisions reached by President Clinton just a few days ago. Those decisions have now been highly criticized, a moral outrage has been expressed over changes in regulations affecting the Government of Cuba and related matters. I have seen press reports that the majority leader took strong exception to the Executive order and others have been trying to one-up each other as to who can come up with the most outrageous statement to describe the decisions taken by President Clinton.

I am not sure every report accurately reflects the feelings of my colleagues, but nonetheless some rather extreme statements have been made.

As I understand it, the President's policy initiatives are, in large measure, perfectly consistent with related provisions contained in the House-passed bill and the most recent version of the Senate substitute which is before us. So I am somewhat surprised that there is such a vehement attack on President Clinton and his proposals, where a mere simple reading of the bill before us includes many of the things the President did by Executive order.

Section 712 of the version of the amendment available to me specifically authorizes the President of the United States, and I quote:

> To furnish assistance to nongovernmental organizations to support democracy building efforts in Cuba.

That was a key element of the President's announcement last Friday. Section 722 of that same measure authorized the President to, and I quote:

> Establish and implement an exchange of news bureaus between the United States and Cuba.

That is another key element of the President's actions. Surely, the supporters of this legislation do not object to the implementation of these measures that they themselves have recommended in the context of the legislation before us.

What about the other elements of last Friday's announcement? Do my colleagues object to provisions which seek to put an end to the profiteering associated with legal transfers of funds—legal transfers of funds—by Cuban-American families in this country to their family members in Cuba seeking to emigrate to the United States under provisions of the United States-Cuban immigration agreement?

That is why the President has authorized Western Union to open offices in Cuba to make legal transfers of this nature easier and cheaper. Today, the families in this country trying to provide assistance to their families in Cuba, in many cases, get held up. It is a mugging, in effect, the prices they have to pay.

So here we are setting up Western Union offices in that country to help families, Cuban-American families, legally transfer funds to assist them. That is part of what the President did. Is that not what we ought to be trying to do in these particular cases? Or do our colleagues take issue with the enhanced enforcement measures announced by the President? These measures would step up enforcement of sanctions regulations, as well as compliance with the Neutrality Act. The President has also instructed that the Office of Foreign Assets Control, the embargo enforcement agency, be strengthened in Washington and in Miami.

I am hard pressed to understand the moral outrage over the President's decisions when virtually every one of them are at least de facto or de jure included in the bill we are now considering in part, and yet that is exactly—exactly—the case.

Now I would like to turn to the bill before us. Many stated purposes of the legislation are laudable and, again, let me emphasize, every single Member in this body I know, if they could will it, tonight would will that there be change in Cuba. That is not the issue. Every one of us would like to see democracy come to that country.

Secondly, Mr. President, I recall being offended when people would talk about my ethnicity in ways in which all of us who happened to be of one particular group are of a particular mindset—that they could speak for everybody who was an Irish-American. Today, to suggest somehow that every Cuban-American thinks exactly alike is insulting.

There is a great diversity of thought within the Cuban-American community as to how we ought to address the problem of Cuba. None that I know of disagree with the bottom line; that is, that we should seek to bring democracy to that country. But there is an honest division of thought among Cuban-Americans who believe there might be better ways of achieving those results.

It is offensive to many, some of whom even disagree with their fellow Cuban-Americans, that somehow they ought to be maligned because they think there may be a better way of achieving the desired results. Certainly, we ought to take that into consideration as we look at the legislation before us.

None of us argue about the goals. But the measures that we take have to be examined and examined carefully. All of us, I hope, would like to see that the transition from the present government in Cuba to democracy would happen without bloodshed. I hope it is not a point of contention that, ideally, we ought to try to achieve the same kind of peaceful transformation we saw happen in Poland, Hungary, Czechoslovakia, and other of the New Independent States. Many thought it would come to a war one day. I thought so, too. But I think all of us are grateful today for the fact that the transition—occurred without a shot being fired at least in recent times.

I think it would be in all of our interests to get a peaceful, bloodless transfer of power in Cuba and to figure out ways in which that could be advanced.

Certainly, I think we could have serious and negative implications on our Federal courts. I mentioned this at the outset of my remarks, but I want to spend some time on it because this is a critical piece of this bill.

Again, I urge my colleagues, or their staffs who may be listening, to look at these sections and understand the implications, because I think they could have profound results if we are not careful. It could have implications on some of our closest trading partners and run the risk of subjecting our country to reciprocal kinds of actions in the coming years.

I happen to believe it is imperative that our colleagues have a better understanding of the true impact of the legislation on the conduct of U.S. foreign policy and on international trade and commerce. Clearly, I think additional hearings and committee consideration of the bill would be the best way to achieve that outcome. That is, apparently, not going to happen.

I have to hand it to the authors of the legislation. They have tinkered with the language in this bill in an effort to conceal and obscure some of its fundamental problems. Unfortunately, none of the changes remove the inherent flaws.

The Helms-Dole substitute is 40 pages in length. It has gone through significant changes since being first introduced back in February. As I mentioned earlier, no hearings have been held in the Senate on later versions of the bill, including the one before us. Again, I doubt that is going to occur. My colleagues ought to look carefully at the bill and analyze what is in it.

This legislation breaks significant new legal ground in reversing more than 40 years of international and domestic law in the practice and treatment of confiscated property. Nor, I point out, is there universal support for the bill among those whose property was expropriated.

I hope my colleagues will pay attention to this. This is important. Some of the very individuals who have the most interest in this legislation—the certified American claimants—have gone on record in opposition, Mr. President, to the centerpiece of this legislation.

David Wallace, chairman and chief executive officer of Lone Star Industries, one of the major corporate claimants in Cuba, has made it clear where he stands on the central provisions of this bill. He is opposed to them, Mr. President. Let me state for the record that Mr. Wallace is a resident of my State of Connecticut and the headquarters of Lone Star is located in Stamford, CT.

Mr. Wallace speaks not only for Lone Star, but for a number of other important claimants, who are members of the Joint Corporate Committee on Cuban Claims, which he chairs. That organization represents 30 of the major corporate claimants holding more than half of the total value of certified claims.

He has written to me and other Members several times on this issue, most recently on October 10. He raised some very critical issues that I want to bring to the attention of my colleagues.

I ask unanimous consent to have his letter printed in the RECORD.

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

JOINT CORPORATE COMMITTEE
ON CUBAN CLAIMS,
Stamford, CT, October 10, 1995.

DEAR SENATOR: I recently wrote to urge you to oppose Title III of legislation, the "Cuban Liberty and Democratic Solidarity Act," that purports to protect the property rights of U.S. nationals against the confiscatory takings by the Castro regime. At that time, Senator Helms was planning to attach this legislation as an amendment to the then-pending Foreign Operations Appropriations Bill. It is my understanding that this legislation now may be brought to the Senate floor as a free-standing bill as early as Wednesday of this week. I am writing once again to urge you to oppose this legislation insofar as it contains Title III in its present form because it poses the most serious threat to the property rights of U.S. certified claimants since the Castro regime's unlawful expropriations more than three decades ago.

In the rush to pass this legislation and thereby demonstrate our firm resolve against Fidel Castro, the far-reaching domestic consequences of this legislation have received far too little attention. In my letter of September 20th, I wrote of the irreparable harm certified claimants would suffer if Title III of this legislation is passed. For the first time ever and contrary to international law, this legislation would permit a specified national origin group, Cuban-Americans, who were not U.S. citizens at the time their property was confiscated, to file Title III lawsuits against the Government of Cuba for the property losses they suffered as Cuban nationals. Indeed, this legislation even permits Cuban exiles abroad to file lawsuits in U.S. federal courts if they establish a corporation in the United States for the purpose of pursuing any claim they may have against Cuba. The creation of a new right to sue is never an inconsequential matter yet the careful scrutiny such a provision deserves has been disturbingly lacking to date.

We can reasonably expect plaintiffs' attorneys to exploit this newly created lawsuit

right to the fullest extent possible, creating a tide of litigation that will all but sweep away the value of the claims currently held by U.S. certified claimants. Each time one of those lawsuits is reduced to a final judgment against Cuba, the injury to U.S. certified claimants increases. Ultimately, the cumulative weight of those judgments will extinguish any possibility the certified claimants ever had of being compensated. A virtually bankrupt Cuba cannot be expected to compensate the U.S. certified claimants, who hold claims valued today at nearly $6 billion, when it is also facing the prospect of satisfying potentially tens of billions of dollars in federal court judgments held by Cuban-Americans, whose claims have been valued as high as $94 billion.

Our already overburdened federal courts will have to deal with the daunting task of adjudicating some 300,000 to 430,000 lawsuits, according to one estimate that has never been refuted. (And that does not even take into account the number of additional claims that we can anticipate will be brought on equal protection grounds by Vietnamese-Americans, Polish-Americans, Chinese-Americans and other national origin groups.) Indeed, a litigation explosion appears to be exactly what the bill's sponsors intend: They hope to enlist an army of lawyers to launch a barrage of federal court lawsuits against Cuba in order to hopelessly entangle the island in lawsuits. In so doing, title to property in Cuba will be clouded for years to come, thus ensuring that every effort at privatization or market-oriented economic reform will be doomed to failure. In a classic case of overkill, however, this endless litigation will not only encumber the current regime, but will impose an onerous burden on a future democratic government that will make normalization of relations with the United States virtually impossible.

Faced with this prospect, the president, as an exercise of executive prerogative in the conduct of foreign affairs, may elect to dismiss those federal court judgments pending against a friendly government in Cuba. However, dismissing those lawsuits may not turn out to be such a simple matter because the U.S. Government may very well find itself liable for tens of billions of dollars in property takings claims to this large class of citizens who were non-U.S. nationals at the time they lost properties in Cuba. In short, if Title III is enacted, we will be left either with the prospect of protracted litigation against Cuba, which will indefinitely delay normalization of relations with a post-Castro Cuban government, or enormous liability to possibly hundreds of thousands of Cuban-Americans should those federal court judgments be dismissed as an incident of normalization.

Amazingly, the Senate is poised to vote on this legislation without the benefit of the Judiciary Committee's views on these and other critical issues that fall within its purview. The Judiciary Committee has held no hearings on Title III, has not reviewed it, nor has it, or the Foreign Relations Committee for that matter, issued any reports on it. It is astonishing that we may be so casually headed toward putting our government, and ultimately U.S. taxpayers, on the line for tens of billions of dollars worth of Cuban-American claims in a foreign land. The only conclusion that can be drawn is that this legislation is being rushed to a vote before these serious issues can be thoroughly considered by the Senate through its normal procedures. Given the profound domestic implications of this legislation beyond the obvious and immediate injury to U.S. certified claimants, I urge you to oppose Title III of this legislation if for no other reason than to ensure that these concerns receive the careful deliberation they warrant.

Sincerely,

DAVID W. WALLACE,
Chairman.

Mr. DODD. Mr. President, let me quote, if I can here, part of what he says in this letter:

Amazingly, the Senate is poised to vote on this legislation without the benefit of the Judiciary Committee's views on these and other critical issues that fall within its purview. The Judiciary Committee has held no hearings of Title III, has not reviewed it, nor has it, or the Foreign Relations Committee for that matter, issued any reports on it. It is astonishing that we may be so casually headed toward putting our government, and ultimately U.S. taxpayers, on the line for tens of billions of dollars worth of Cuban-American claims in a foreign land. The only conclusion that can be drawn is that this legislation is being rushed to a vote before these serious issues can be thoroughly considered by the Senate through its normal procedures. Given the profound domestic implications of this legislation beyond the obvious and immediate injury to U.S. certified claimants, I urge you to oppose Title III of this legislation if for no other reason than to ensure that these concerns receive the careful deliberation they warrant.

Mr. President, this is a letter from a claimant. This is one of the people who was injured by what happened, seriously, when the Castro Government took over. Do not believe me; listen to them. They are the ones urging that some prudence be followed before we rush to judgment with this bill in order to satisfy the domestic concerns of some constituency groups, who, I might add, I do not think are necessarily all being represented when they are spoken of collectively.

I agree with Mr. Wallace when he concludes that "We can reasonably expect plaintiffs' attorneys to exploit this newly created lawsuit right to the fullest extent possible, creating a tide of litigation that will all but sweep away the value of the claims currently held by the certified claimants."

Mr. Wallace also submitted detailed written testimony to the Committee on Foreign Relations in which he explained the joint committee's opposition to this bill. These are the U.S. citizens that are the injured parties. They are the ones telling us that this bill is wrong and will cause real problems. We ought to be listening to them.

Among the arguments I found most compelling was that this legislation would produce a dramatic expansion of existing claims pool seeking compensation from Cuba. The vastly larger pool "would serve as a significant disincentive for a post-Castro Cuban Government to enter into meaningful settlements of negotiations with the United States, given the sheer enormity of the outstanding claims and the practical impossibility of satisfying all those claims."

Mr. Wallace goes on to state that "We, the joint committee, believe that a second tier of claimants will delay and complicate the settlement of certified claims and may undermine the prospects for serious settlement negotiations with the new Cuban Government that will come into power at some point."

He concluded as follows: "It is our view, based upon well-established principles of international law, that individuals and entities who were Cuban nationals at the time their property was confiscated must seek resolution of their claims in Cuban courts, under Cuban law."

Obviously, that is not going to happen now, Mr. President. We are talking about this taking effect when there is a transition government in place—hopefully and ideally, one that will respond. But Cuban nationals can then go back to that court in Cuba and satisfy them. To allow it, all of a sudden, to come to our courts raises very serious problems. In future Cuban governments, claims of former Cuban nationals may be fairly determined.

Mr. President, I urge my colleagues to take the time to review Mr. Wallace's correspondence and statement in their entirety. Taken together, they provide a very careful, reasoned analysis of why giving former Cuban nationals the private right of action to sue in United States courts will be detrimental to the interests of United States claimants.

I ask unanimous consent Mr. President at this juncture to have printed in the RECORD all of the correspondence and testimony from Mr. Wallace which he has sent to most offices, but for those who may not have seen them.

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

JOINT CORPORATE COMMITTEE
ON CUBAN CLAIMS,
Stamford, CT, October 10, 1995.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: I recently wrote to urge you to oppose Title III of legislation, the "Cuban Liberty and Democratic Solidarity Act," that purports to protect the property rights of U.S. nationals against the confiscatory takings by the Castro regime. At that time, Senator Helms was planning to attach this legislation as an amendment to the then-pending Foreign Operations Appropriations Bill. It is my understanding that this legislation now may be brought to the Senate floor as a free-standing bill as early as Wednesday of this week. I am writing once again to urge you to oppose this legislation insofar as it contains Title III in its present form because it poses the most serious threat to the property rights of U.S. certified claimants since the Castro regime's unlawful expropriations more than three decades ago.

In the rush to pass this legislation and thereby demonstrate our firm resolve against Fidel Castro, the far-reaching domestic consequences of this legislation have

received far too little attention. In my letter of September 20th, I wrote of the irreparable harm certified claimants would suffer if Title III of this legislation is passed. For the first time ever and contrary to international law, this legislation would permit a specified national origin group, Cuban-Americans, who were not U.S. citizens at the time their property was confiscated, to file Title III lawsuits against the Government of Cuba for the property losses they suffered as Cuban nationals. Indeed, this legislation even permits Cuban exiles abroad to file lawsuits in U.S. federal courts if they establish a corporation in the United States for the purpose of pursuing any claim they may have against Cuba. The creation of a new right to sue is never an inconsequential matter yet the careful scrutiny such a provision deserves has been disturbingly lacking to date.

We can reasonably expect plaintiffs' attorneys to exploit this newly created lawsuit right to the fullest extent possible, creating a tide of litigation that will all but sweep away the value of the claims currently held by U.S. certified claimants. Each time one of those lawsuits is reduced to a final judgment against Cuba, the injury to U.S. certified claimants increases. Ultimately, the cumulative weight of those judgments will extinguish any possibility the certified claimants ever had of being compensated. A virtually bankrupt Cuba cannot be expected to compensate the U.S. certified claimants, who hold claims valued today at nearly $6 billion, when it is also facing the prospect of satisfying potentially tens of billions of dollars in federal court judgments held by Cuban-Americans, whose claims have been valued as high as $94 billion.

Our already overburdened federal courts will have to deal with the daunting task of adjudicating some 300,000 to 430,000 lawsuits, according to one estimate that has never been refuted. (And that does not even take into account the number of additional claims that we can anticipate will be brought on equal protection grounds by Vietnamese-Americans, Polish-Americans, Chinese-Americans and other national origin groups.) Indeed, a litigation explosion appears to be exactly what the bill's sponsors intend: They hope to enlist an army of lawyers to launch a barrage of federal court lawsuits against Cuba in order to hopelessly entangle the island in lawsuits. In so doing, title to property in Cuba will be clouded for years to come, thus ensuring that every effort at privatization or market-oriented economic reform will be doomed to failure. In a classic case of overkill, however, this endless litigation will not only encumber the current regime, but will impose an onerous burden on a future democratic government that will make normalization of relations with the United States virtually impossible.

Faced with this prospect, the president, as an exercise of executive prerogative in the conduct of foreign affairs, may elect to dismiss those federal court judgments pending against a friendly government in Cuba. However, dismissing those lawsuits may not turn out to be such a simple matter because the U.S. Government may very well find itself liable for tens of billions of dollars in property takings claims to this large class of citizens who were non-U.S. nationals at the time they lost properties in Cuba. In short, if Title III is enacted, we will be left either with the prospect of protracted litigation against Cuba, which will indefinitely delay normalization of relations with a post-Castro Cuban government, or enormous liability to possibly hundreds of thousands of Cuban-Americans should those federal court judgments be dismissed as an incident of normalization.

Amazingly, the Senate is poised to vote on this legislation without the benefit of the Judiciary Committee's views on these and other critical issues that fall within its purview. The Judiciary Committee has held no hearings on Title III, has not reviewed it, nor has it, or the Foreign Relations Committee for that matter, issued any reports on it. It is astonishing that we may be so casually headed toward putting our government, and ultimately U.S. taxpayers, on the line for tens of billions of dollars worth of Cuban-American claims in a foreign land. The only conclusion that can be drawn is that this legislation is being rushed to a vote before these serious issues can be thoroughly considered by the Senate through its normal procedures. Given the profound domestic implications of this legislation beyond the obvious and immediate injury to U.S. certified claimants, I urge you to oppose Title III of this legislation if for no other reason than to ensure that these concerns receive the careful deliberation they warrant.

Sincerely,

DAVID W. WALLACE,
Chairman.

LONE STAR INDUSTRIES, INC.,
Stamford, CT, July 26, 1995.

Hon. CHRISTOPHER J. DODD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the Joint Corporate Committee on Cuban Claims, of which I serve as Chairman, and as your constituent, I am writing to express my appreciation for your support on the property claims issue. In particular, I want to commend you for your thoughtful views on S. 381, the Cuban Liberty and Democratic Solidarity Act, and to offer the assistance of the Committee as this legislation is considered by the Senate.

The Joint Corporate Committee represents more than thirty U.S. corporations with certified claims against the Government of Cuba. Collectively, our members hold more than one-half of the $1.6 billion in outstanding certified corporate claims. As you know, the Joint Corporate Committee opposes the provisions of the Helms legislation dealing with property claims, and we have detailed our objections in testimony we submitted for the record to the Foreign Relations Committee.

We understand that Senator Helms is contemplating a strategy of attaching his legislation to the State Department Authorization Bill or the Foreign Aid Bill that will be before the Senate shortly. Please know that we stand ready to support your efforts in opposing this legislation, and have asked the Committee's Washington, D.C. counsel, Kirk O'Donnell of Akin, Gump, Strauss, Hauer & Feld, to work with you in that regard.

I also have asked our counsel to arrange a meeting with you in the near future in order that we might further explore how our Committee can best be of assistance in this effort. I look forward to meeting you and working with you on a more constructive legislative approach.

Sincerely,

DAVID W. WALLACE.

STATEMENT OF DAVID W. WALLACE, CHAIRMAN JOINT CORPORATE COMMITTEE ON CUBAN CLAIMS ON S. 381, THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995—SUBMITTED TO THE SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS, THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE—JUNE 14, 1995

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to submit this statement expressing the views of the Joint Corporate Committee on Cuban Claims with respect to S. 381, the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995."

The Joint Corporate Committee on Cuban Claims, of which I serve as Chairman, represents more than thirty U.S. corporations with certified claims against the Government of Cuba stemming from the Castro regime's unlawful confiscation of U.S. property without just compensation. Our member corporations hold more than one-half of the $1.6 billion in outstanding certified corporate claims. Since its formation in 1975, the Committee has vigorously supported the proposition that before our government takes any steps to resume normal trade and diplomatic relations with Cuba, the Government of Cuba must provide adequate compensation for the U.S. properties it unlawfully seized.

Although I am submitting this statement in my capacity as Chairman of the Joint Corporate Committee, I would like to note parenthetically that I also serve as Chairman and Chief Executive Officer of Lone Star Industries, Inc. Lone Star is a certified claim holder whose cement plant at Mariel was seized by the Cuban Government in 1960. Lone Star's claim is valued at $24.9 million plus 6% interest since the date of seizure.

On behalf of our Committee, I want to commend the significant contribution you have made to the debate on U.S.-Cuban policy by focusing renewed attention on the Castro regime's unlawful expropriation of U.S. property—an issue that all too often gets lost in the debate over the wisdom of the embargo policy. Recognizing the important role that trade and investment by U.S. businesses will have in Cuba's economic reconstruction and its eventual return to the international community, evidence of concrete steps by the Government of Cuba towards the satisfactory resolution of the property clams issue must be an essential condition for the resumption of economic and diplomatic ties between our nations.

I think it is important to recall the essential reason for which the U.S. Government first imposed a partial trade embargo against Cuba in 1960, following by the suspension of diplomatic relations in 1961 and the imposition of a total trade embargo in 1962. These actions were taken in direct response to the Castro regime's expropriation of properties held by American citizens and companies without payment of prompt, adequate and effective compensation as required under U.S. and international law. This illegal confiscation of private assets was the largest uncompensated taking of American property in the history of our country, affecting scores of individual companies and investors in Cuban enterprises.

These citizens and companies whose property was confiscated have a legal right recognized in long-established international law to receive adequate compensation or the return of their property. Indeed, Cuba's Constitution of 1940 and even the decrees issued by the Castro regime since it came to power in 1959 recognized the principle of compensation for confiscated properties. Pursuant to

Title V of the International Claims Settlement Act, the claims of U.S. citizens and corporations against the Cuban Government have been adjudicated and certified by the Foreign Claims Settlement Commission of the United States. Yet to this day, these certified claims remain unsatisfied.

It is our position that lifting the embargo prior to resolution of the claims issue would be unwise of a matter of policy and damaging to our settlement negotiations posture. First, it would set a bad precedent by signaling a willingness on the part of our nations to tolerate Cuba's failure to abide by precepts of international law. Other foreign nations, consequently, may draw the conclusion that unlawful seizures of property can occur without consequence, thereby leading to future unlawful confiscations of American properties without compensation. Second, lifting the embargo would remove the best leverage we have in compelling the Cuban Government to address the claims of U.S. nationals and would place our negotiators at a terrible disadvantage in seeking just compensation and restitution. We depend on our government to protect the rights of its citizens when they are harmed by the unlawful actions of a foreign agent. The Joint Corporate Committee greatly appreciates the steadfast support our State Department has provided over the years on the claims issue. However, we recognize that the powerful tool of sanctions will be crucial to the Department's ability ultimately to effect a just resolution of this issue.

Apart from the need to redress the legitimate grievances of U.S. claimants, we also should not overlook the contribution these citizens and companies made to the economy of pre-revolutionary Cuba, helping to make it one of the top ranking Latin American countries in terms of living standards and economic growth. Many of these companies and individuals look forward to returning to Cuba to work with its people to help rebuild the nation and invest in its future. As was the case in pre-revolutionary Cuba, the ability of the Cuban Government to attract foreign investment once again will be the key to the success of any national policy of economic revitalization.

However, unless and until potential investors can be assured of their right to own property free from the threat of confiscation without compensation, many U.S. companies simply will not be willing to take the risk of doing business with Cuba. It is only by fairly and reasonably addressing the claims issue that the Cuban Government can demonstrate to the satisfaction of the business community its recognition of and respect for property rights.

We are pleased that S. 381 does not waver from the core principle, firmly embodied in U.S. law, which requires the adequate resolution of the certified claims before trade and diplomatic relations between the U.S. and Cuban Governments are normalized. However, we are concerned with provisions of Section 207 of the revised bill that condition the resumption of U.S. assistance to Cuba on the adoption of steps leading to the satisfaction of claims of both the certified claimants *and* Cuban-American citizens who were not U.S. nationals at the time their property was confiscated. Notwithstanding the modifying provisions which accord priority to the settlement of the certified claims and give the President authority to resume aid upon a showing that the Cuban Government has taken sufficient steps to satisfy the certified claims, this dramatic expansion of the claimant pool, as a practical matter, would necessarily impinge upon the property interests of the certified claimants.

Even though the claimants who were not U.S. nationals at the time of the property loss would not enjoy the espousal rights that the certified claimants enjoy, the recognition of a second tier of claimants by the U.S. Government at a minimum would necessarily color, and likely make more complicated, any settlement negotiations with Cuba to the detriment of the certified claimants.

Moreover, the fact that the legislation gives priority for the settlement of certified property claims is of little consequence within the context of such a vastly expanded pool of claimants that seemingly defies a prompt, adequate and effective settlement of claims. In addition, once this second tier of claimants is recognized, it would be exceedingly difficult politically for the President to exercise his waiver authority. Finally, this dramatic expansion of the claimant pool would serve as a significant disincentive for a post-Castro Cuban Government to enter into meaningful settlement negotiations with the United States given the sheer enormity of the outstanding claims and the practical impossibility of satisfying all those claims.

In short, while we are sympathetic to the position of those individuals and entities who were not U.S. nationals at the time their property was seized, we believe that U.S. Government recognition and representation of this group of claimants—even falling short of espousal of their claims with a post-Castro government in Cuba—would harm the interests of the already certified claimants. We believe that the recognition of a second tier of claimants will delay and complicate the settlement of certified claims, and may undermine the prospects for serious settlement negotiations with the Cuban Government.

It is our view, based on well-established principles of international law, that individuals and entities who were Cuban nationals at the time their property was confiscated must seek resolution of their claims in Cuban courts under Cuban law under a future Cuban Government whereby the respective property rights of former and current Cuban nationals may be fairly determined. In taking that position, we categorically reject any notion that a naturalized American has any lesser degree of right than a native-born American. That objectionale and irrelevant notion serves only to cloud the real issue here, and that is simply the question of what rights are pertinent to a non-national as of the date of injury. Simply put, international law does not confer retroactive rights upon naturalized citizens.

Many of the same objections noted above also apply to Section 302 of the revised bill, which allows U.S. nationals, including hundreds of thousands of naturalized Cuban-Americans, to file suit in U.S. courts against persons or entities that traffic in expropriated property. We believe this unrestricted provision also will adversely affect the rights of certified claimants. By effectively moving claims settlement out of the venture of the Foreign Claims Settlement Commission and into the federal judiciary, this provision can be expected to invite hundreds of thousands of commercial and residential property lawsuits. Apart from the enormous, if not overwhelming, burden these lawsuits will place on our courts, this provision raises serious implications with respect to the Cuban Government's ability to satisfy certified claims.

First, allowing Cuba to become liable by way of federal court judgments for monetary damages on a non-dismissible basis necessarily will reduce whatever monetary means Cuba might have to satisfy the certified claims. Second, this expected multiplicity of lawsuits undoubtedly will cloud title to property in Cuba for years, thereby lessening the prospects for restitutionary approaches in satisfaction of some of these claims. Moreover, under this provision, the President would have no power to dismiss these suits as an incident of normalizing relations with a democratically elected government in Cuba once they are commenced. Consequently, the foreign investment will be crucial to Cuba's successful implementation of market-oriented reforms will be all but precluded by these unresolved legal proceedings.

In conclusion, we want to commend you for your efforts in raising the profile of the property claims issue and focusing attention on the importance of resolving these claims to the full restoration of democracy and free enterprise in Cuba. We also recognize and appreciate the efforts you have made to modify this legislation in response to the concerns expressed by the certified claimant community; however, we hope that you will further consider our continuing concerns regarding the implications of this legislation for the legal rights of certified claimants, an already overburdened court system, the claims settlement process and the orderly disposition of claims, and the post-Castro investment environment.

Mr. DODD. This legislation calls into question the fundamental concept, I might point out, of equal protection under our Constitution by granting a kind of judicial relief to one category of individuals that no other group has ever been granted.

This legislation is not proposed to give similar rights, as I pointed out earlier, to the former nationals—now U.S. citizens—of 37 other countries in the world where there are outstanding claims: Polish-Americans, Chinese-Americans, German-Americans, Vietnamese-Americans.

Are we to say to these same people who have been injured by Marxist governments, Communist governments, who have had their property taken without compensation, "Sorry, this law does not apply to you. It only applies to Cuban-Americans." I think we will have a hard time making that case to other people who come forward and seek equal treatment.

I urge my colleagues to just examine whether or not the enormity of that problem can be handled by our court systems. Is that the right way to go?

This legislation would vastly expand the traditional definition of who is a United States claimant for purposes of United States law, to include any Cuban national who is presently a United States citizen, regardless of the citizenship at the time of the expropriation, as well as any person who incorporates himself or herself as a business entity under United States law prior to this bill becoming law.

The introduction of this legislation has served as an open invitation to

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Cuban-Americans and other foreign nationals around the globe who may have had property taken in Cuba to come to the United States to seek redress. I am not arguing about the illegitimacy of it, the horror of it, the wrongness of it at all. That is not my point. That is not the issue here.

If Cubans have left Cuba and gone someplace else, this bill says to them, "come here and incorporate yourself before this bill is signed into law and you have access to the United States courts."

Again, I urge my colleagues to look at this bill. Whatever your feelings are about Fidel Castro and Cuba, you are about to sign on to something here that could have profound and incredible implications for our court system.

It is not clear, Mr. President, how the courts are going to attest to the validity of such claims, nor do we have any firm estimate of the costs associated with the legal mandate.

Initially, CBO concluded that it does not have "sufficient information for estimating the number of such filings and the total cost that would be incurred by the Judiciary," although it did indicate that the costs to the U.S. Federal court system per case filed would be $4,500.

Now assuming the 5,911 claims that are filed, between $4,500 and $5,000 a claim, if, in fact, you expand the universe here, consider the implications. The math is not that hard if you are going to have several hundred thousand people seeking access to these courts.

Now, I point out to my colleagues that CBO later reversed its earlier conclusion that they could not determine how much the costs would be. They came back and said the costs may be $7 million.

The key assumption CBO made, Mr. President, in arriving at this number was that very few suits would be filed at all. That assumption has been challenged, I might add, by a number of experts on the issue.

The Senator from Rhode Island, Senator PELL, and I wrote to the Congressional Budget Office raising questions about this estimate as well. And, Mr. President, I point out we have not had any response to our latest inquiries, going back some time, about a new estimate.

One should be mindful, Mr. President, of the fact that an estimated 1 million Cuban emigres currently live in the United States, many of whom left behind business and other property when they fled the Castro regime, and has been expropriated without compensation.

The State Department has estimated there are approximately $94 billion in outstanding Cuban-American claims. That is in addition to the $6 billion in certified United States claims. A very detailed analysis has been done to give some rough estimates as to the number of claims that may be outstanding if this bill becomes law.

I urge my colleagues to review the August 25 letter sent to the Director of CBO by attorney Robert Muse, an attorney for one of the major U.S. certified claimants. In that letter he sets forth in some detail the various categories of property claims that could be generated, and estimates that the total number of lawsuits could reach 430,000. The costs could end up—just the court costs—in excess of $2 billion.

I ask unanimous consent that those documents be printed in the RECORD at this juncture.

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

MANSFIELD & MUSE,
Washington, DC, August 25, 1995.

Ms. JUNE E. O'NEILL,
Director, Congressional Budget Office, U.S. Congress, Washington, DC.

Re CBO Letter of July 31, 1995 Concerning Senator Helms' Proposed "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995."

DEAR MS. O'NEILL: As you know, Title III of Senator Helm's proposed legislation creates a cause of action in U.S. federal courts against agencies or instrumentalities of Cuba—as well as foreign and Cuban individuals or companies—that in the words of the bill "traffic" in properties "confiscated" by the government of Cuba. It makes no difference under Title III whether the owners of those properties were U.S. or Cuban nationals at the time of their property losses. So long as the potential litigant is a U.S. citizen at date of filing, he or she (or "it" in the case of a company) is free to institute a Title III lawsuit asserting, in the language of the statute, ownership or a "claim" to property confiscated in Cuba at any time after January 1, 1959. With these things in mind, CBO was asked how many such lawsuits might be expected if the LIBERTAD bill is enacted? It is the response to that question, given in your July 31 letter to Senator Helms, which concerns my client, Amstar Property Rights Holdings, Inc., and other holders of claims certified against Cuba by the Foreign Claims Settlement Commission.

In your first letter (of July 24) on this subject, written to Chairman Gilman of the House International Relations Committee, you said with respect to Title III that, in addition to nearly 6,000 claims on file with the Foreign Claims Settlement Commission, ". . . about 15,000 U.S. nationals who have not filed claims with the Commission [i.e. the Foreign Claims Settlement Commission] may also have had commercial property confiscated in Cuba." I gather from talking with Ms. Susanne Mehlman of your Office that the figure of 15,000 "who have not filed claims" was meant to describe naturalized Cuban Americans and Cuban companies that did not qualify to file claims with the Commission in the 1960's (because they were not U.S. citizens when their properties were taken), but, that your Office thought would qualify to file lawsuits with respect to those properties if Title III of the LIBERTAD bill is enacted.

In your July 31 letter to Senator Helms you refrain from stating any figure as to the number of Cuban Americans that may be expected to file Title III lawsuits. However, based upon a recent revision to the LIBERTAD bill restricting lawsuits to those in which the "amount in controversy" exceeds $50,000, you offer the opinion that, ". . . the number of [Cuban American] claims would be quite small."

The number of potential Title III litigants is a matter of understandable concern to individuals and companies, such as my client, that hold certified claims against Cuba. The prospects of these claimants receiving a favorable disposition of their long-held claims are very much dependent upon those claims not being diluted in a sea of newly-created Title III causes of action conferred on companies and individuals that did not meet the U.S. nationality requirement of the Foreign Claims Settlement Commission's Cuba program.[1] The reasoning of the certified claimants in opposing Title III of the LIBERTAD bill is straightforward. Each federal court judgment entered against Cuba on behalf of a Cuban national at date of property loss constitutes an additional claim on the limited resources of that country, thereby diluting the value of those claims certified by the Foreign Claims Settlement Commission.[2] It is blindingly obvious what Title III is meant to do, that is, to bypass the adjudicatory process of the Foreign Claims Settlement Commission—that Cuban Americans did not qualify for on prerequisite citizenship grounds—and create an unprecedented claims program in the federal courts on behalf of that specific national-origin group.

With the foregoing concerns of certified claimants in mind, I offer the following observations: First, I believe that your July 24 letter's figure of a maximum of 15,000 lawsuits to be expected from Cuban American individuals and companies if the LIBERTAD bill is enacted constitutes a serious understatement of the real number of such lawsuits. Second, your Office's subsequent failure to provide any estimate of potential lawsuits in your July 31 letter—except to say that the number will be "quite small"—warrants, I respectfully submit, at least some explanation. Third, your descriptions of Title III as only creating a right for U.S. nationals to "take civil action against persons or companies that traffic in confiscated properties," obscures a key provision of the LIBERTAD bill; that is, that it allows direct suits against the nation of Cuba itself—via its various agencies and instrumentalities—for "trafficking" in confiscated property.[3] Certain proponents of the LIBERTAD bill have created the entirely misleading impression that it is aimed only at what they describe as "third party [i.e. corporate] "traffickers," and, because there are comparatively few such corporate "traffickers", few lawsuits are to be expected if Title III is enacted. Unfortunately, I believe you have fallen into their trap by excluding from consideration in your estimate of potential lawsuits what will be the overwhelmingly most frequently named defendant—Cuba itself.[4] Fourth, the newly-added $50,000 "amount in controversy" requirement of Title III will not greatly restrict Section 302 lawsuits, as your letter suggests it will.

To elaborate on my last point first, the figure of $50,000 in controversy requirement of Title III relates to the value of the property that is being "trafficked" in; e.g., that is being, among other things, "used . . . or profited from . . ." Under Title III each trafficker must pay, in damages, the "fair market value" of the property being trafficked in to anyone who "owns a claim" to that property. (See, Section 302(a)(1)). A property—as will be demonstrated in a moment—

Footnotes at end of article.

that was worth as little as $3,500 in 1960 will today meet the bill's requirement of $50,000 in controversy. This is the case because, in calculating whether a given property has a value of $50,000 or more for the purposes of Title III, the following things are included: (1) Interest is added from the time of property loss and compounded annually. (See, Section 302(a)(1)(B)). If only 6% interest is applied to Title III court judgments (as was the case in Foreign Claims Settlement Commission decisions relating to Cuba) the compounded interest component alone, over a period of 35 years, increases the value of the property by 500%. Therefore a property with a value of $3,500 in 1960 equals an "amount in controversy" of $17,500 today. (2) Title III allows for the virtually automatic trebling of the value of any previously determined "sum" (to reiterate, interest is specifically included in determining the "sum" to be trebled). For such trebling to occur Section 302(a)(3) merely requires that a "trafficker" be given notice twice of an "intention to institute suit" before that trafficker becomes liable for "triple the amount determined" under 302(a)(ii). In filing suit a plaintiff will allege in his complaint that requisite notices were given and ignored and, therefore, that the amount of damages sought (i.e. the "amount in controversy") is the value of the property trebled. All of this means that a property with a 1960 value of $3,500 has, with compounded annual interest at 6%, become worth $17,500; when that figure is trebled it becomes $52,500 and comfortably meets Section 302(b)'s requirement of a "matter in controversy [that] exceeds the sum or value of $50,000."[5]

To return to the issue of the actual number of lawsuits the LIBERTAD bill is likely to engender if it becomes law, a Department of the Army publication reports that some 800,000 Cubans settled in the United States between January 1, 1959 and September 30, 1980. (See, "Cuba, A Country Study" (1985) at pg. 69–70, citing a National Research Council study). If we assume that a further 10,000–12,000 Cubans have entered the U.S. annually in the past 15 years, a total of 1 million Cubans have taken up residence in the U.S. since Fidel Castro came to power. The question put to CBO was, in essence: How many of these Cuban Americans may be expected to file suit with respect to "claimed" properties in Cuba if Section 302 is enacted? To further distill the question, it may be restated as: How many damage suits will be brought with respect to Cuban properties that were worth at least $3,500 in 1960?

In the first place, many of the hundreds of thousands of Cubans who suffered property losses in Cuba have died in the intervening 30–35 years.[6] Accordingly, any "claims" relative to properties located in Cuba that might be asserted in a Section 302 lawsuit, as likely as not, will be filed by the children and even grandchildren of the now deceased former owners. The broad definition given the word "property" (i.e. "future or contingent right . . . or other [property] interest") at Section 4(11) of the bill ensures such a result.[7] This fact alone will greatly increase the number of suits relative to any one Cuban property that may be expected under Section 302 of the LIBERTAD bill. (According to the same Department of the Army study quoted in the preceding paragraph, in 1958 the Cuban total fertility rate—i.e. the average number of children born to each woman—was 3.8. This gives us a sense of the number of descendants likely to assert a claim to any one decedent's former properties in Cuba).

Second, many of the properties in Cuba that will be the subject of Section 302 lawsuits had multiple ownership interests. Again, Section 4(11)(A) defines "property" as including any property ". . . whether real, personal, or mixed, or any present, future, or contingent right, security, or other interest therein, including any leasehold interest." Therefore, in the agricultural sector for example we can expect claims to be filed by the descendants of not only the owners of the property but also descendants of those who produced commodities from the land under various colono arrangements, or those who held leasehold, mortgage or other interests in the confiscated property. The same is true of the service and industrial sectors of the Cuban economy. This greatly expands the number of suits to be expected if Title III of the LIBERTAD bill becomes law. (By the way, your letter of July 24 misstates the intent of Title III when your projected figure of 15,000 possible litigants are described in terms of having had "commercial property confiscated in Cuba"; thereby creating the erroneous impression that only such properties are subject to suit. The requirement of the statute is not that the property have been "commercial"—under Section 4(9)(A)'s definition it can have been real or personal property, or any other type of property interest for that matter. The test for commencing litigation is whether the subject property is being used at the time of suit "in the conduct of a commercial activity." (See Section 302(a)(1). Therefore an originally non-commercial property (a residence, for instance) that is now being used in whole or perhaps even in part in a commercial vein such as, as a bicycle repair shop, or a hairdressers, or as business or professional offices, would be subject to suit under Section 302. In short, residential properties are exempt from suit under the LIBERTAD bill only to the extent that they are being, "used for residential purposes." (See, Section 304(11)(B). I will return to the issue of residential properties later in this letter).

In any event, even if we set aside for a moment the multiplicity of litigants and property interests that will assert themselves with respect to any one property, how many actual properties in Cuba may be subject to suit if Title III is enacted? The truth is, no one really knows for certain—but some informed estimates can be made.

In 1959 when the first departures for the U.S. from Cuba began, that country had a population of approximately 6.5 million. We can begin our analysis of potential lawsuits to be expected under Title III by first considering the number of various service establishments that may have existed in pre-revoluntionary Cuba to serve a population of that size. (Examples of such service establishments would include restaurants; hotels; clothing shops; bars; groceries; dry goods stores; abattoirs and butchers; barbers and hairdressers; automobile service stations, distributors and parts suppliers; appliance shops; construction companies and building materials suppliers; shoeshops; hardware and feed stores; farm provisioners; laundries; touristic enterprises ranging from marinas and casinos, to nightclubs and theaters; department stores; bank branch offices; drugstores; clinics and professional office buildings used by doctors, dentists, accountants, architects, and lawyers—e.g., there were 7,858 attorneys in Cuba according to the 1953 census). If we arbitrarily—but certainly reasonably—assume that one of each type of service establishment existed per each 500 head of population, a total of approximately 12,000 such enterprises existed in each service category. We will assume, conservatively, that only 15 categories existed in pre-revolutionary Cuba. More than 15 such categories of course existed, but by limiting the number of categories we are able to correct our overall figure to allow for some service industries that had individual establishments (for example bank branches) at a rate of less than one per 500 head of population. When we multiply 12,000 service establishments times 15 categories of such establishments, we reach a total of 180,000. If as few as ⅓ of the owners of those establishments (again, a very conservative figure) settled in the U.S., a total of 60,000 service industry properties are likely to be the subject of lawsuits in federal courts if the LIBERTAD bill is enacted.[8] But, to reiterate an earlier point, each of these properties is capable of having multiple suite filed against it by the descendants of the original owners. If only two such descendant suits are brought on average with respect to each property, a total of 120,000 suits can be expected. Finally, if only one additional claim, on average, is brought by an individual alleging, for example, a leasehold, mortgage or security interest in each property, our total reaches a figure of 180,000 lawsuits to be expected from the Cuban service sector alone.

Turning to the Cuban industrial, manufacturing and transportation sectors, how many lawsuits might they engender? Again, it is difficult to know with any certainty. But, let us assume only 1,000 industrial, manufacturing and transportation properties in such representative enterprises as sugar production; tobacco manufacturing; fishing and seafood processing; rum distilling; brewing; steel making; cosmetic and toiletry manufacturing; mining; warehouses and freight lines; construction materials manufacturing; oil processing and distribution; meat packing; electronic goods and other durables manufacturing; and, finally, railroads, ferries and other modes of transportation. The lawsuits from this sector of the Cuba economy, it should be noted, will not be limited to the claims of the companies themselves. Section 4(11) of the LIBERTAD bill defines "property" to include any "security interest." Therefore, the shareholders in these industrial, manufacturing and transportation sectors of pre-revolutionary Cuba will be filing individual lawsuits if Title III is enacted. How many such lawsuits will be filed is really anyone's guess. But let us assume that each enterprise had even 100 shareholders now naturalized in the U.S. whose individual shareholdings were worth at least $3,500 thirty-five years ago. This means that a further 100,000 lawsuits may be expected—with again the fact that descendants of the original owners will be filing most of the suits ensuring that the figure of 100,000 is considerably enlarged.[9]

Then there are the lawsuits to be expected from Cuba's agricultural sector. Once again, it is difficult to quantify the number of such lawsuits—particularly when most agricultural properties had multiple interests encumbering them, such as colono and various other tenure and leasing arrangements. But if we pick a figure of at least 25,000 rural properties (out of a total of over 150,000 such properties[10]) whose owners emigrated to the U.S. and that had a value in 1960 of at least $3,500, and if we then assume two overlapping property interests asserted with respect to each property (e.g., a fee simple and a colono interest) by an average of two descendants claiming such interests, we arrive at a figure of 100,000 lawsuits generated by Cuba's agricultural sector.

Finally, there are the lawsuits that will be brought with respect to properties that, although originally residential, are now being used, in the language of Section 302(a)(1), in "the conduct of a commercial activity" and therefore are not exempt from suit under Section 4(11)(B)'s exception for "real property used for residential purposes." (Emphasis added). Cuba has no modern office blocks to speak of and very few purpose-built service premises of any kind. Therefore a great many formerly residential buildings are now used as commercial, professional or governmental premises. (It will be recalled that agencies and instrumentalities of the government of Cuba may be sued if they are using property in the conduct of a commercial activity). In any of those cases if the activity going on in the property is commercial in nature—that property is subject to suit under Title III. Given that whole sections of Havana that were formerly residential, such as Vedado and Miramar, are now being used in some form of commercial manner (even if only as a workshop or small restaurant (paladare) under recently liberalized self-employment laws) thousands of lawsuits may be expected from this quarter. In virtually every one of these cases the $3,500 threshold (in 1960 values) will be comfortably met. We will very conservatively assume that only 25,000 residential properties will be the subject of suit if Title III is enacted.[11] If, as is predictable, an average of as little as two lawsuits (by either descendants' interests or mortgage, etc. interests) are brought with respect to each property, our final figure from this sector totals 50,000 federal court litigations.

To summarize, the number of lawsuits to be reasonably expected if the LIBERTAD bill becomes law include: 180,000 in the service sector, 100,000 in the industrial, manufacturing and transportation sector, 100,000 from the agricultural sector and 50,000 from residential properties that are now being used "in the conduct of a commercial activity"—for a total of 430,000 lawsuits. Using your letter's figure of $4,500 in processing costs per lawsuit, 430,000 litigations will require the expenditure of $1,935,000,000 (or nearly $2 billion) by the federal government in court costs alone if Title III of the LIBERTAD bill is enacted.

As I have previously remarked, your letter says that, because of the newly-added $50,000 amount in controversy requirement of Title III, "CBO expects that the number of additional claims [i.e. from Cuban Americans] would be quite small." I have tried to demonstrate that the figure of $50,000 is illusory because the threshold amount can be met, within the terms of the proposed statute, by demonstrating that the property at issue was worth as little as $3,500 in 1960. But there is a second point I wish to make in this regard, that is, I believe your letter reveals a misplaced trust in the self-policing character of the American litigation system. In the case of the $50,000 amount in controversy requirement of Title III; (i) it will quickly become known by potential plaintiffs that they need only show a property value of $3,500 in 1960 in order to qualify to file suit, and (ii) even if there is a doubt as to whether a property interest was worth $3,500, isn't it predictable that many people will go ahead and aver that, at least upon information and belief, the $50,000 amount in controversy requirement has been met and let the court resolve whether or not it really has? (Although upon what controverting evidence a court would be able to dismiss a claim as monetarily insufficient is unclear). In essence, I suppose I question your basic assumption that an "amount in controversy" requirement of a statute can ever realistically be expected to dissuade potential litigants from commencing suit. This is particularly so with Title III of the LIBERTAD bill, which is overtly about an unprecedented use of the U.S. civil justice system to promote certain foreign policy objectives with respect to a particular country. Can we as a nation claim to be surprised when hundreds of thousands of Cuban Americans zealously (and quite patriotically in their view) file lawsuits against Cuban properties? Is something like an amount in controversy requirement of a U.S. statute really going to much dampen the litigious excitement the LIBERTAD bill will ignite in south Florida?

It is worth reiteration that all a plaintiff must show to receive a judgment against Cuba and other "traffickers" under Title III is, (i) ownership of a "claim" to property, and (ii) that the property is being used in a commercial manner by the government of Cuba or a private company or individual. As far as establishing the value of properties being "trafficked" in (in order that litigants may receive that sum as "damages"), we may trust that a body of experts will develop in Florida to provide appraisal evidence as to property values in pre-revolutionary Cuba. And, as is the nature of most experts, they may be expected to assess the value of properties in a way that is agreeable to the plaintiffs' lawyers who seek and retain their services and who are probably bringing the case on a not disinterested contingency fee basis. In short, it will be a very rare property that is not confidently asserted to have a value well in excess of the amount in controversy requirement of Title III.

For all of the reasons set out above, there can be little doubt that if Congress passes Title III it will produce a litigation explosion of a magnitude never before seen in this country.[12] I genuinely believe you could not be more wrong in your July 31 opinion that the "claims [of Cuban Americans] will be quite small and that additional costs to process these claims [will] not be significant." I have tried in this letter to explain and demonstrate the basis of my belief. No claim is made that the estimates appearing in this letter are beyond reasoned dispute from either direction. For example, it may be the case that service establishments existed in Cuba, on average, at the rate of one per 1,000 head of population rather one per 500, as argued earlier in this letter. If so, that would reduce the number of service sector lawsuits by half, to a total of 90,000. As a result, the final figure of lawsuits to be expected would be 340,000 instead of 430,000. On the other hand, we could probably easily double the estimate of 50,000 lawsuits expected to arise from Cuba's residential property sector—with more such suits to come with each liberalizing economic step of the Cuban government that allows broader scope for self-employment and small business formation. The point is, thoughtful adjustments can and should be made to the total number of lawsuits projected to be ultimately engendered by Title III of the LIBERTAD bill. However, I think it highly credible that the number of lawsuits to be expected must be in the range of 300,000 to 450,000—as large as these figures may seem, there is a logic to their calculation.

On a final point, Section 303(a)(2) of the LIBERTAD bill provides that ". . . a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and ownership of claims to ownership (sic) of confiscated property by the Government of Cuba." This provision of Title III leads you to remark in your July 31 letter that: "The Foreign Claims Settlement Commission could incur additional costs because it could be asked to assist the courts in reviewing cases. CBO estimates that the Commission will require several new attorneys and support personal (sic) to fulfill this responsibility, with costs up to about $1 million each year." In assessing your estimate that "several new attorneys" will be required by the Foreign Claims Settlement Commission to determine ownership and value of claims against Cuba it is instructive to consider that that is precisely what the Commission did in the Cuba claims program. In an approximately six-year period between 1965 and 1972, 5,911 claims of U.S. nationals were certified against Cuba—a further 2,905 were denied—making a total of 8,816 claims actually decided, producing a rate of decision of about 1,500 per year. Apparently there were ten attorneys at the Commission who handled the claims against Cuba. Their rate of decision was therefore approximately 150 per year. If Title III produces 400,000 claims from Cuban Americans, the Commission, if it is to determine the ownership and value of these claims over a four year period, will need to employ 665 attorneys if a rate of determination equal to that of the Cuban claims program is to be achieved.[13] If the costs of salarying, accommodating and otherwise supporting these attorneys is as little as $100,000 each per year, the cost to the federal government will reach nearly $250 million over a four year period in simply readying cases for further disposition by the federal courts.

Again, I make no claim of disputability for either my methodology or its ultimate conclusions in this attempt to estimate the number of lawsuits S. 381 may be expected to engender. My purpose in writing has been achieved if the various points raised in this letter prompt a reconsideration by your Office of the litigation implications—and the serious consequential harm to certified claimants such litigation will cause—if Title III of the LIBERTAD bill is enacted in its present form.

Yours sincerely,

ROBERT L. MUSE.

FOOTNOTES

[1]The requirement that a claimant be a U.S. national at the time of property loss appears at Section 503(a) of the Cuban Claims Act (22 U.S.C. Section 1643(b)). This statutory requirement bespeaks the adherence by the U.S. to a long-settled principle of international law. See, e.g. Claim No. IT-10,252, Decision No. IT-62, reprinted in 8 Department of State, DIGEST OF INTERNATIONAL LAW, 1236: *"The principle of international law that eligibility for compensation requires American nationality at the time of loss is so widely understood and universally accepted that citation of authority is scarcely necessary . . ."* The proposed lawsuit provisions of Title III of course would grossly violate that principle of international law.

[2]The Department of State has said that Cuban American claims against Cuba could be worth nearly $95 billion. (See, letter of April 28, 1995 from Wendy R. Sherman, Assistant Secretary, Legislative Affairs, to Chairman Benjamin Gilman of the House Committee on Foreign Relations). To put that figure in perspective, according to a recent Economist Intelligence Unit report on Cuba, that country's Gross Domestic Product in 1994 was 12.8 billion pesos. The official rate of exchange is one peso to one dollar, but the more revealing black market rate has fluctuated between 100 to 25 pesos per dollar over the past year.

[3]Title III's definition of "trafficking" is sufficiently expansive to cover any involvement whatever by the government of Cuba in "claimed" properties. "Traffics" includes: "sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property [or] engages in a commercial activity using or otherwise benefiting from a confiscated property . . ."

[4]Section 302(a)(1) provides that: ". . . any person or entity, *including any agency or instrumentality of a foreign state [i.e. Cuba]* in the conduct of a commercial activity, that . . . traffics in property which was confiscated by the Government of Cuba on or after January 1, 1959 shall be liable to the United States national who owns a claim to such property for money damages . . ." (Emphasis added). It has been said that your Office is of the view that few suits will be brought against Cuba "because it doesn't have any assets in this country." With all respect, the same reasoning applied to the various Foreign Claims Settlement Commission programs conducted over the years would mean that no one would bother to file claims pursuant to those programs, because rarely does an expropriating nation have significant assets in the U.S. In fact claims are indeed filed under these programs, as it attested to by the 5,911 claims certified against Cuba. The reason those claims were filed was not to recover Cuban assets in this country (there were virtually none here by the time the program commenced), but rather it was to enlist the support of the United States in the bilateral resolution with Cuba of the matter of the American claimants' property losses. Title III lawsuits, it should be remembered, are specifically made nondismissible under Section 302(g)(2). As a set of federal court judgments these Title III suits will come to constitute a future bilateral issue between the United States and Cuba of no less significance than the claims certified against that country by the Foreign Claims Settlement Commission. Indeed, unlike a certified claim, a court judgment carries with it rights of execution and attachment against any assets of the debtor nation that may be found now or in future within the United States. Therefore a government-to-government resolution of such outstanding judgments will prove a future practical necessity. In sum, Cuban Americans would be silly not to file individual Title III suits that they have every reason to believe will force themselves onto the prospective bilateral normalization agenda of the U.S. and Cuba.

[5]When this letter addresses various sectors of the prerevolutionary Cuban economy that are likely to engender Title III property claims, I think it helpful to keep in mind that Cuba was a comparatively affluent country in 1959. Therefore, properties with a value of at least $3,500 were no rarity. See, for example, the *Blue Ribbon Commission Report on the Economic Reconstruction of Cuba*, 1991, prepared by the Cuban American National Foundation, which says at pg. 9: "Before Castro's rise to power on 1 January, 1959, Cuba ranked among the best credit risks and business partners in the Western Hemisphere . . . Buttressed by Cuba's liberal foreign investment laws . . . Cuba's national income doubled between 1945 and 1958. Cuba's per capita Gross National Product ranked third among Latin American nations in 1953, behind Argentina and Venezuela." See also the testimony given to the Trade Subcommittee of the Ways and Means Committee on June 30, 1995 by Congresswoman Ilena Ros-Lehtinen: "Its fertile land, vast tracks of tourist beaches and resorts, and its geographical location, led Cuba to become one of the most developed countries in the hemisphere." In any case, whatever the general level of prosperity may have been in pre-revolutionary Cuba, those who were of the Cuban upper economic echelons came to the United States in highly disproportionate numbers, leaving, of course, disproportionately valuable properties behind in Cuba. This issue will be discussed in greater detail at a later point in this letter.

[6]The life expectancy of Cubans was 64 years in 1960, by late 1984 it had increased to 73.5 years. Even if the latter figure is used a Cuban who was as young as 38½ years old in 1960 is, as a purely actuarial matter, dead today.

[7]Ordinarily the laws of the place of death of the testor (in most Title III cases this will be Florida) will determine inheritance rights. For example, a Florida will provision that says no more than the "remainder of my property shall be divided among my children" would give each heir a cause of action against Cuba under Section 302. Specific bequests and intestacy would carry similar rights of action by inheritance. Interestingly enough Section 303 of the LIBERTAD bill provides that: "In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries [e.g., Cuba] . . ." Therefore, a decedent's actual ownership of a bequeathed Cuban property is statutorily exempted from judicial inquiry.

[8]Assuming that ⅓ of the owners of service establishments settled in the U.S. is not at all unreasonable when it is recalled that those arriving in this country in the aftermath of the Cuban revolution were of the middle and upper strata of Cuban society, i.e., the property-owning class of that country. Given the affluence of the Cubans who settled in the U.S. it is also highly likely that the properties they left behind were, in almost all cases, worth at least $53,500 at the time of confiscation. Of Cuba's population in 1958, 22% (or 1.3 million individuals) were of the upper and middle economic strata. (See, Thomas, *Cuba: The Pursuit of Freedom* (1971) at pg. 1110 where a UNESCO study to that effect is cited). It was precisely that strata of Cuban society that departed for the U.S. in the early 1960's and may be expected to file Title III lawsuits. For example, Cubans emigrating to the United States in the years 1959–62 were four times more likely to have been of the professional, semiprofessional and managerial classes than the general Cuban population. (See, Perez, *Cuba: Between Reform and Revolution (1988)*, at pg. 344. The question is therefore not what the value of the average property in Cuba was in 1960, but, rather, what was the average value of the properties left behind in the early 1960's by the highest socioeconomic strata of that country's population.

[9]Cuban corporate claims themselves present an interesting picture under Title III by virtue of Section 4(14) of the LIBERTAD bill which defines "United States national" as "an legal entity organized under the laws of the United States, or of any state . . . and which has it principal place of business in the United States." In short, there is no requirement that the company actually be owned by U.S. citizens. (In order to qualify as a U.S. national for the purposes of the Cuban Claims Act a corporation had to be 50% or more owned by U.S. citizens. Yet again, Title III departs from international law and abandons the sensible and long-established requirement that a company demonstrate some real connection with the country of its purported nationality). Section 4(14) quite simply means that Cuban exiles in such places as Spain, Venezuela, Mexico, and Costa Rica (or Cubans in the U.S., for that matter, who have not sought U.S. citizenship) need only organize a "legal entity"-i.e. form a corporation in the U.S. and transfer any "claim" they may have against Cuba to that corporation in order to file a Section 302 lawsuit, the filing and prosecution of which will constitute the principal business of the newly-formed U.S. corporation. There is no way of estimating the number of lawsuits this distinctly odd and suspect provision of Title III will engender.

[10]See Perez, *Cuba: Between Reform and Revolution* (1988) at pg. 302, where the author refers to a 1946 study that gives the total number of farms in Cuba at the time as 159,958, of which over 95,000 were of at least 25 acres and, in most cases, were considerably larger.

[11]This figure of 25,000 is arbitrarily selected from the total of over 150,000 housing units abandoned in Cuba when their owners left for the U.S. (See Jorge Dominguez, *Cuba since 1959*, at pg. 124 in CUBA, A SHORT HISTORY (1993) where the author says that from 1959 to 1975 approximately 9,300 housing units in Cuba were abandoned annually as a consequence of emigration. Sociedad Economica of London gives a figure of 139,256 housing units "vacated by emigration between 1960 and 1974," See, *Private Property Rights in Cuba: Housing* (1991)

[12]I am at a loss to recall any statute that upon enactment was capable of immediately generating several hundred thousand lawsuits. Even statutes with a potentially large pool of plaintiffs—for example, various anti-discrimination laws—are mitigated in their impact upon the courts by the fact that they are not retroactive in application. Title III is by contrast distinctly retroactive in its application, in that it provides non-U.S. nationals at time of injury with an *ex post facto* cause of action for injuries occurring, for the most part, over 30 years ago.

[13]In the case of Cuban American Title III claims it may be unrealistic to assume a rate of determination as rapid as that which occurred with respect U.S. nationals' claims. The claims that will be filed by Cuban Americans can be expected in many, if not most cases, to be thinly documented (if documented at all) as a result of circumstances of the claimants' departures from Cuba and the passage of time. See, Edward D. Re, *The Foreign Claims Settlement Commission and Cuba Claims Program*, 1 International Lawyer 81 at pg. 85 (1966): "Past programs have shown that long delays in the initiation of claims programs increase the burden of adjudication. Due to the destruction of records and the unavailability of witnesses, many claims have found difficult substantiate. This is particularly important since Commission Regulation require that claimants 'shall have the burden of proof on all issues involved in the determination of his claim.' The difficulties are increased where there has been lack of cooperation or access in the foreign country". It may be assumed the Mr. Re, as a former Chairman of Foreign claims Settlement Commission, knew what he was talking about. In any event, much of the evidence of ownership and value that Cuban Americans can be expected to present will, of necessity, be testimonial in nature and based largely upon memory and hearsay. It follows that the evaluation of such claims by the Commission under Section 303(a)(2) will prove an exceedingly laborious, time consuming and imperfect process. Ironically, President Johnson remarked, when signing the Cuban Claims Act in 1964 ". . . *the importance of making a permanent record which evidence and witnesses are still available.*" 51 Dept. State Bull. 674(1964). Section 303 proposes, of course, to attempt to create such a record by the Commission, for use in federal lawsuits by naturalized Cuban Americans, fully thirty-one years after President Johnson's remarks.

Mr. DODD. Interestingly, my colleagues and the authors of this bill will say those estimates are way too high, and they will say there will not be that many claimants.

I point out to my colleagues that in an earlier version of the Senate bill, section 301(5)(B)(ii) of that bill specifically makes the point, "Since Fidel Castro captured power in 1959, through his personal despotism he has confiscated the properties of hundreds of thousands of Cubans who claim asylum in the United States as refugees because of political persecution."

I do not argue with that statement at all. I endorse it. The point is you cannot on the one hand claim there will be very few people come forward and simultaneously point out about the hundreds of thousands of people who have legitimate claims against the Cuban Government. I stand by the figure of some 400,000 claims that may result from this change in law.

However, my colleague from North Carolina and supporters now seem to have had a change of heart, as I pointed out, and assert that the number of claims will be minuscule. Their message to us "we did not mean it when we said the Cuban Government confiscated the properties of hundreds of thousands of Cuban immigrants. Do not worry about the legislation burdening U.S. courts."

I suggest that is a high-risk position to take in light of the tremendous costs we could be inflicting on ourselves as a result of this legislation.

Mr. President, the way this measure is drafted, as I pointed out earlier, any potential claimants would be foolish not to file a claim in United States courts because once a democratic government has been established in Cuba the right to instigate new suits, will be terminated. So you have to do it quickly if this bill becomes law. I suspect

that many will step forward and seek to do just that.

It seems to me before we move ahead to impose a new mandate in our courts we better understand the extent of the burden we are imposing and how we intend to pay for it. Otherwise we are simply imposing one more unfunded mandate on our economy. This time, in our Federal courts.

As has been pointed out several times today, there are currently 5,911 United States claims—that is claims of individuals who were citizens of the United States at the time of the expropriation, with certified claims against the Government of Cuba.

Under international law, Mr. President, as well as United States law and practice, the United States Government has an obligation to espouse these claims with Cuban authorities. It will do so at the appropriate time with a Government of Cuba that is prepared to accept its responsibilities under international law.

This legislation provides for lawsuits not only against the Government of Cuba but also other governments, foreign nationals, and corporations. I think it is terribly naive to think that other governments are going to sit back and do nothing while their citizens are being sued in U.S. courts for acts that are perfectly legal in their own country.

The World Trade Organization has already warned that provisions of this bill may violate international trade rules. I submit, Mr. President, and ask unanimous consent to have printed in the RECORD an article that that may be the case.

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

WTO STATES SUPPORT CUBA OVER U.S. EMBARGO PLAN

GENEVA, July 11.—Cuba won support from other members of the World Trade Organization on Tuesday for a warning that proposed U.S. legislation extending its embargo against Havana would violate the rules of the new body.

Diplomats said the European Union as well as Mexico, Washington's partner in the North American Free Trade Association (NAFTA), and Colombia voiced concern over the pending bill in the United States Congress.

A Cuban trade official, M. Marciota, told the WTO General Council his government was raising the issue "in an attempt to prevent this latest violation of the rules of the international trading system from being enacted."

He called for a "clear and vigorous statement" from the WTO warning both the U.S. administration and Congress "of the legal monstrosity which enactment of this bill would represent."

The measure, introduced by anti-communist Republican senator Jesse Helms, would tighten the 35-year-old embargo by banning the import into the United States of sugar, molasses and syrup from countries which import these products from Cuba.

It would also prohibit the granting of U.S. entry visas for people who have invested in properties nationalised under the communist administration of President Fidel Castro since it came to power in 1959.

The EU has already told Washington it might take a case to the WTO, launched on January 1 under the new world trade treaty signed last year, to protect its rights if the bill went through.

On Tuesday EU ambassador Jean-Pierre Leng told the General Council, the WTO's ruling body, that Brussels had considerable doubts on whether the measures envisaged by the bill's backers were compatible with the trade watchdog's rules.

The issue came to the WTO as other Latin American countries are increasingly ignoring U.S. policies aimed at isolating the communist island, suffering severe economic hardship following the collapse of its long-time ally, the Soviet Union.

Over the past three or four years, Cuba has built up new trade links with most countries in Latin America and begun a cautious switch to market economics including opening up its industrial sector to foreign investment.

Under the rules of the WTO, and its predecessor the General Agreement on Tariffs and Trade, members are allowed to declare trade embargoes if they perceive a threat to their national sovereignty.

The United States has justified its stance against Cuba on these grounds, but many WTO members argue there can be no serious grounds for insisting that Cuba presents such a threat to the United States in the post-Cold War period.

Mr. DODD. Furthermore, I am sure all of my colleagues have received letters and phone calls from Canadian, British, European Union, Mexican Government officials and others, objecting to the legislation as an infringement on their sovereignty and as interfering with their trade relations. Canada and Mexico have both argued that the measure would violate the NAFTA legislation.

This bill is bad for U.S. business. Again, I would not make that the sole criterion, but, please think about what we are doing before we charge ahead here and have tremendous implications that will take some time to undo.

It undercuts efforts by the current administration, and previous ones, to ensure that U.S. investors can expect a stable and predictable environment when they seek to do business abroad. We can hardly insist that our trading partners respect international laws in areas of trade and investment when we ourselves are violating them. You cannot do business that way.

This legislation, if enacted, would disrupt international commercial relations to a significant degree. Under provisions of this bill the United States, in effect, expands its own right to sue in an area of law where we have heretofore studiously defended international law and practice. Having done so, how are we then going to defend the interests of American businesses abroad when a particular government decides that it no longer finds it convenient to follow international law? That would be a tragedy, a mistake.

If, in reaction to this legislation, other nations respond with special interest domestic legislation of their own, U.S. companies could be open to lawsuits throughout the world. Under those circumstances we would be in a very poor position, a very poor one indeed, having enacted this bill, to turn around and defend U.S. interests against a foreign government simply reacting to their own domestic, particular, special interest concerns.

Ironically, this legislation will also thwart the economic reform efforts that have slowly begun in Cuba—privatization, for example. I think all of us believe that the more we can secure privatization in Cuba, the better the results will be. Yet this measure would seriously undermine these efforts by targeting the very interests that are privatizing in Cuba. In effect we say to them, if you continue to undertake certain business activities then we are going to come after you.

You cannot, on the one hand, say we ought to encourage privatization, urge the international community to move in that direction, and then penalize the very elements that are doing it. Yet that is exactly what we will be doing if we enact this bill into law. It does not make any sense, Mr. President.

In fact the House-passed bill would even thwart privatization of the agricultural sector. Cuban farmers, availing themselves of the newly legalized private farmers markets, would be subject to suit in the United States because their produce or livestock may have been raised on confiscated property.

While I believe this legislation damages U.S. interests in all the ways I have just mentioned, I am also of the view it is unlikely to promote democratic or peaceful change in Cuba.

Do we get support in the United Nations for our Cuban policy? Only one country, one, joined the United States recently in voting against a U.N. resolution condemning the U.S. embargo. The one country that voted with us was Israel. Yet, business people from even Israel are doing business in Cuba today. They vote with us in the United Nations, the one vote we get, yet that country now is going to be the subject of the very law we are passing because, if Israel continues to do business in Cuba, Israelis are not going to be able to do business in this country, if their business activities in any way relate to confiscated properties.

Please, read this bill. This is not sound legislation. This is emotion speaking here. It is anger, it is frustration over what has happened in Cuba. But it is not sound thinking at all.

So, again I point out, one country joins us. The entire world votes against us on this issue. The one country that joins us, Israel, a good friend and loyal ally that always supports us in these things, is doing its own business in Cuba. It is one of the 58 countries today doing business in Cuba.

By the way, the countries doing business in Cuba are not all liberal, communist governments. The John Major government of Great Britain, is that some liberal, left wing government? The Government of France today under Chirac, the Government of Germany, are these all bad, rotten, no good characters? Are we now going to subject them to the provisions of this law? That does not make any sense. That is not the way to achieve the desired results that we would all like to see here.

Does anyone seriously believe this bill, if adopted, is likely to persuade other governments to adopt a policy of tightening this embargo and isolating Cuba diplomatically? How long have we heard those speeches? Non-U.S. trade and investment in Cuba have been expanding in recent months, not contracting. Regrettably, I would say, in many ways. But the facts of life are that is what is happening.

According to recent statistics released by the United States-Cuba Trade and Economic Council, businesses from 58 nations have formed more than 200 joint ventures in order to exploit business opportunities in Cuba. With the recent liberalization of Cuba's foreign investment laws, it will be even easier for foreign companies to set up shop in Havana.

Under the recent liberalization of Cuba's investment law, foreign investors will be able to wholly own their investments in most sectors of the Cuban economy.

Again, I am not suggesting in any way this ought to be some reason to start applauding Fidel Castro. I do not at all. I am just stating a fact. That is what is happening. So the idea we are going to get others to join us in these particular moves is not likely. Australia, Austria, Brazil, Canada, Chile, Colombia, Ecuador, China, the Dominican Republic, France, Germany, Greece, Holland, Honduras, Hong Kong, Israel, Italy—the list goes on. In fact, I ask unanimous consent to print in the RECORD all the countries and their companies that are doing business there. Some of these companies come from our strongest allies in the world.

There being no objection, the list was ordered to be printed in the Record, as follows:

[From the U.S.-Cuba Trade and Economic Council, Inc.]

NON-UNITED STATES COMPANIES AND THE REPUBLIC OF CUBA

Corporations and companies cited in the international media as having commercial activities with the Republic of Cuba.

AUSTRALIA

Western Mining Corp.

AUSTRIA

Rogner Group (tourism).

BRAZIL

Andrade Gutierrez Perforacao (oil).
Coco Heavy Equipment Factory (sugar).
Petrobras S.A. (oil).

CANADA

Advanced Laboratories (manufacturing).
Anglers Petroleum International.
Bow Valley Industries Ltd. (oil).
Canada Northwest Energy Ltd. (oil).
Caribgold Resources Inc. (mining).
Commonwealth Hospitality Ltd. (tourism).
Delta Hotels (tourism).
Extel Financial Ltd.
Fermount Resources Inc. (oil).
Fortuna Petroleum.
Fracmaster (oil).
Globafon.
Havana House Cigar and Tobacco Ltd.
Heath and Sherwood (oil).
Hola Cuba.
Holmer Gold Mines.
Inco Ltd. (mining).
Joutel Resources (mining).
LaBatt International Breweries.
Marine Atlantic Consultant (shipping).
MacDonalds Mines Exploration.
Metal Mining.
Mill City Gold Mining Corp.
Miramar Mining Corp. (Minera Mantua).
Pizza Nova (tourism).
Realstar Group (tourism)
Republic Goldfields.
Seintres-Caribe (mining).
Sherrit Inc. (mining).
Talisman Energy Inc.
Teck (mining).
Toronto Communications.
Val d'Or (mining).
Wings of the World (tourism).

CHILE

Dolphin Shoes (clothing).
Ingelco S.A. (citrus).
Latinexim (food/tourism).
New World Fruit.
Pole S.A. (citrus).
Santa Ana (food/tourism).
Santa Cruz Real Estate (tourism).

COLOMBIA

SAM (an Avianca Co.) (tourism).
Intercontinental Airlines.
Representaciones Agudelo (sporting goods).

ECUADOR

Caney Corp. (rum).

CHINA

Neuke (manufacturing).
Union de Companentes Industrials Cuba-China.

DOMINICAN REPUBLIC

Import-Export SA (manufacturing).
Meridiano (tourism).

FRANCE

Accord (tourism).
Alcatel (telecommunications).
Babcock (machinery).
Bourgoin (oil).
Compagnie Europeene des Petroles (oil).
Devexport (machinery).
Fives Lille (machinery).
Geopetrol.
Geoservice.
Jetalson (construction).
Maxims (cigars-owned by Pierre Cardin).
OFD (oil).
OM (tourism).
Pernod Ricard Group (beverages/tourism).
Pierre Cardin.
Pompes Guinard (machinery).
Societe Nationale des Tabacs (Seita) (tobacco).
Sucres et Donrees (sugar).
Thompson (air transport).
Total (oil).
Tour Mont Royal (tourism).

GERMANY

Condor Airlines (charters for Lufthansa).
LTU (LTI in Cuba) (tourism).

GREECE

Lola Fruits (citrus).

HOLLAND

Curacao Drydock Company (shipping).
Golden Tulips (tourism).
ING (banking).
Niref (minerals).

HONDURAS

Facuss Foods.

HONG KONG

Pacific Cigar.

ISRAEL

GBM (citrus).
Tropical (manufacturing).
World Textile Corp. S.A.

ITALY

Benetton (textiles).
Fratelli Cosulich (gambling).
Going (tourism).
Italcable (telecommunications).
Italturis (tourism).
Viaggo di Ventaglio (tourism).

JAMAICA

Caricom Investments Ltd. (construction).
Craicom Traders (Int'l mrktg of Cuban products).
Intercarib (tourism).
Superclubs (tourism).

JAPAN

Mitsubishi (auto/tourism).
Nissan Motor Corp. (auto).
Nissho Iwai Corp. (sugar).
Toyota.
Sumitomo Trading Corp. (auto).
Suzuki Motor Corp. (auto).

MEXICO

Aero-Caribe (subsidiary of Mexicana de Aviacion).
Bufete Industrial.
Cemex (construction).
Cubacel Enterprises (telecommunications).
Del Valle (manufacturing).
Domeq (export—rum).
DSC Consortium (tourism).
Grupo Domos (telecommunications).
Grupo Industrial Danta (textiles).
Grupo Infra de Gases.
Incorporacion International Comercial (beer).
Industrias Unidas de Telephonia de Larga. Distancia.
La Magdalena Cardboard Co.
Mexpetrol (oil).
Pemex.
Bancomex.
Mexican Petroleum Institute.
Protexa.
Bufete Industrial.
Inggineiros Civiles Asociados.
Equipos Petroleos Nacionales.
Telecomunicacionales de Mexico.
Vitro SA (manufacturing).

PANAMA

Bambi Trading.

SOUTH AFRICA

Anglo-American Corp. (mining).
Amsa (mining).
De Beers Centenary (mining).
Minorco (mining).
Sanachan (fertilizers).

SPAIN

Caball de Basto S.L.
Camacho (manufacturing).
Consorcio de Fabricantes Espanoles, Cofesa.
Corporacion Interinsular Hispana S.A. (tourism).
Esfera 2000 (tourism).
Gal (manufacturing).
Guitart Hotels S.A.
Grupo Hotelero Sol.

Hialsa Casamadrid Group.
Iberia Travel.
Iberostar S.A. (tourism).
Kawama Caribbean Hotels.
K.P. Winter Espanola (tourism).
Miesa SA (energy).
National Engineering and Technology Inc.
Nueva Compania de Indias S.A.
P&I Hotels.
Raytur Hoteles.
Sol Melia (tourism).
Tabacalera S.A. (tobacco).
Tintas Gyr SA (ink manufacturer).
Tryp (tourism).
Tubos Reunidos Bilbao (manufacturing).
Vegas de la Reina (wine imports).

SWEDEN

Foress (paper).
Taurus Petroluem.

UNITED KINGDOM

Amersham (pharmaceuticals).
BETA Funds International.
Body Shop International (toiletries).
British Berneo PLC (oil).
Cable & wireless comm.
Castrol (oil).
ED&F Man (sugar).
Fisions (pharmaceuticals).
Glaxo (pharmaceuticals).
Goldcrop Premier Ltd. (manufacturing).
ICI Export (chemicals).
Ninecastle Overseas Ltd.
Premier Consolidated Oilfields.
Rothschild (investmant bank).
Simon Petroleum Technology.
Tate & Lyle (sugar).
Tour World (tourism).
Unilever (soap/detergent).
Welcomme (pharmaceuticals).

VENEZUELA

Cervecera Nacional.
Covencaucho.
Fiveca (paper).
Fotosilvestrie.
Gibralter Trading (steel).
Grupo Corimon.
Grupo Quimico.
Ibrabal Trading.
Interlin.
Intesica.
Mamploca.
Mamusa.
Metalnez.
MM internacional.
Pequiven.
Plimero del Lago.
Proagro.
Sidor.
Venepal.
Venoco.

Mr. DODD. So, of course, as a result of the provisions in this bill and other regulations, we will be forced to sit on the sidelines here when the change begins to happen. And only after democracy comes to Cuba will we be able to fully engage with the new government down there. The requirements mandated by the House passed bill that must be met by the post-Castro government for it to be considered in transition to democracy and eligible for emergency humanitarian assistance are very stiff.

I ask unanimous consent that those requirements be printed at this particular point in the RECORD.

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

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be concluded under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

Mr. DODD. I am not going to list all of these requirements now, but I ask my colleagues to read section 205 of the House bill. It is hard to disagree with any of these. But the idea that we specifically exclude certain people from even being elected in their own country as a requirement of that country being in transition to democracy seems to be getting to deeply into the nitty gritty of another country's affairs. I do not think anyone can read these requirements and think that they are realistic. To think that a country must meet absolutely meet every one of these requirements before we can even do business with the new government down there is preposterous.

Assuming we had a change in that country, any kind of change at all, I think we would want to engage that new government. But no, under provisions in the House bill we have to wait until all these conditions—they go on for a page and a half here—are met. If we had applied those standards to the transitions that took place in the former Soviet Union, in Poland, and elsewhere in Eastern and Central Europe, we might have missed real opportunities to make a difference for democracy. In fact, many of these Newly Independent States have yet to meet all of the standards that we seek to impose on a post-Castro Cuba. If you applied the specifics to them today, for example, we have some people being elected in these countries that are former Communists—that would violate these standards. That does not make any sense. It is unrealistic and it is not a good idea. I wonder what would have happened in Poland, or in Russia, if we had applied the same kind of provisions of law.

Again, it is not just me speaking here. Last month the Inter-American Dialog issued its second report on Cuba. A number of very distinguished individuals were involved in crafting the report, Republicans as well as

Democrats, and distinguished foreign policy experts. I will ask the list of these members be printed in the RECORD. But let me just read some. Among the participants were Elliot Richardson, Oscar Arias, former President of Costa Rica, John Whitehead, former Deputy Secretary of State in the Reagan administration—we are not talking about some liberal Democrats here, who wrote the report. Listen to what they have to say. I ask unanimous consent that the full list of the members of that group be printed in the RECORD.

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

MEMBERS OF THE INTER-AMERICAN DIALOGUE TASK FORCE ON CUBA

Elliot L. Richardson (Chair), Partner, Milbank, Tweed, Hadley and McCloy, Former U.S. Attorney General and Secretary of Defense.

Jorge I. Domínguez (Coordinator), Professor of Government, Harvard University.

Raúl Alfonsín, Former President of Argentina.

Oscar Arias, Former President of Costa Rica.

Peter D. Bell, President, Edna McConnell Clark Foundation, Co-Chair, Inter-American Dialogue.

Sergio Bitar, National Senator, Chile.

McGeorge Bundy, Scholar-in-Residence, Carnegie Corporation of New York, Former U.S. National Security Advisor.

Alejandro Foxley, President, Christian Democratic Party of Chile, Co-Chair, Inter-American Dialogue.

Peter Hakim, President, Inter-American Dialogue.

Ivan Head, Professor of Law, University of British Columbia, Canada.

Osvaldo Hurtado, Former President of Ecuador.

Abraham F. Lowenthal, President, Pacific Council on International Policy.

Jessica T. Mathews, Senior Fellow, Council on Foreign Relations, Columnist, The Washington Post.

Alberto Quirós Corradi, President, Seguros Panamerican, Venezuela.

Maurice Strong, Chairman, Ontario Hydro, Canada, Chairman, Earth Council.

Viron P. Vaky, Senior Fellow, Inter-American Dialogue, Former U.S. Assistant Secretary of State.

John Whitehead, Chairman, AEA Investors, Inc., Former U.S. Deputy Secretary of State.

Mr. DODD. The task force offered a number of recommendations to both the Cuban and United States Governments, designed to enhance the prospects for peaceful democratic change in Cuba. Among other things, and I am quoting:

[It] urges the defeat of the Cuban Liberty and Democracy Solidarity Act.

I do not think John Whitehead, Elliot Richardson, or Oscar Arias, former President of Costa Rica, and a leading opponent in Central America against the Sandinista Government, are great friends or proponents of Fidel Castro. But they said this bill is a bad idea, a bad idea. Think twice before you do this.

Why is this bill bad? Because "It would injure and alienate ordinary Cubans, weaken Cuba's civil society—as threadbare as it may be—and retard Cuba's democratization. It would also reduce prospects for U.S. cooperation with other countries on Cuba."

I ask my colleagues to take a look at these recommendations, by this group of distinguished panelists who are bipartisan in nature.

I ask unanimous consent the report of the Inter-American Dialog Task Force be printed in the RECORD.

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

[The Second Report of the Inter-American Dialogue Task Force on Cuba]

CUBA IN THE AMERICAS: BREAKING THE POLICY DEADLOCK

SUMMARY OF RECOMMENDATIONS

The prospects for change in Cuba are today greater than at any time since 1959. Yet, current U.S. policy neither encourages change in Cuba nor advances U.S. national interests. For their part, Cuban government policies continue to poorly serve the interests of the Cuban people. The unbending policies of the two countries—perpetuated by national pride on both sides—have allowed a continuing deterioration in Cuba's circumstances and increased the dangers of violent conflict. Our recommendations have one fundamental purpose: to enhance the prospects for peaceful, democratic change in Cuba.

To the Government of Cuba

We urge Cuba's leaders to put their claim of public support to the test of free and fair elections that are internationally monitored.

Political prisoners should be freed, and the laws that repress dissent and prevent the operation of independent organizations should be repealed.

Cuba should broaden its economic reform program and adopt policies necessary to qualify for membership in the World Bank and International Monetary Fund.

To the U.S. Government

U.S. policy toward Cuba should be redirected to the objectives put forth by the past two administrations—to encourage a peaceful transition to democracy in Cuba. Cuba no longer poses a security threat to the United States. The main danger to U.S. national interest in Cuba is the prospect of prolonged violence, which could provoke mass migration and U.S. military action.

U.S. interests in Cuba would be most advanced by pursuing three concrete goals:

To reduce hostility in U.S.-Cuban relations:

The United States should consistently make clear that it has no intention of invading Cuba. It should condemn violent actions by the exile groups, notify the Cuban government of U.S. military exercises near Cuba, and encourage military attachés throughout the world to communicate with Cuban counterparts.

U.S. Cuba policy should give greater weight to humanitarian concerns by allowing charities to engage in all necessary financial transactions to advance their work, permitting Cuban-Americans again to aid relatives in Cuba, and lifting all restrictions on shipments of food and medicine.

Radio Marti should broadcast objective news, not propaganda, and should be politically independent. TV Marti should be canceled because it violates international conventions.

To encourage private markets, the rule of law, and independent organizations:

The U.S. government should exempt from its embargo all transactions that foster communications between the peoples of Cuba and the United States, specifically removing all obstacles to travel to Cuba and encouraging cultural and scientific exchanges between the two nations.

The United States should encourage the World Bank and IMF to work with the Cuban government to establish a path toward eventual membership. This may be the single best way to encourage sustained economic reform in Cuba. Washington should also support the efforts of Secretary-General Gaviria to involve the OAS in reviewing Cuba's hemispheric relations.

To promote pragmatic exchange between the U.S. and Cuban Governments:

The United States should make plain that economic and political reforms by Cuba—such as releasing political prisoners, accepting UN human rights monitors, allowing political dissent, and legalizing the formation of small businesses—would be met by parallel changes in U.S. policy toward Cuba. Both the U.S. and Cuban governments should undertake a controlled process of specific initiatives, conditioned understandings, and convergent steps, all limited in scope, but which together could cumulatively open the way for more substantial changes.

The United States should indicate its readiness to negotiate agreements with Cuba on issues in which both countries have coinciding interests. The United States and Cuba, for example, have both gained by recent agreements on immigration, and negotiations in this area should continue. Cuba and the United States would also benefit from cooperation to interdict drug traffickers, reciprocally inspect nuclear power plants, forecast weather-related disasters, and protect the environment.

The U.S. Embargo

We urge defeat of the Cuban Liberty and Democratic Solidarity Act—better known as the Helms-Burton legislation. It would injure and alienate ordinary Cubans, weaken Cuba's civil society, and retard Cuba's democratization. It would also reduce prospects for U.S. cooperation with other countries on Cuba. We continue, however, to oppose fully dismantling the trade embargo. The embargo can serve as a practical element of policy, if it is used as a bargaining chip in negotiations with Cuba of the kind we have recommended. A permanent situation of crisis around Cuba is unacceptable. Provoking an even more severe crisis is not a solution. The U.S. government should be prepared, step by step, to lift its trade embargo in response to specific initiatives taken by the Cuban government. What is needed from the United States is active bargaining, not passive waiting or the tightening of pressure without regard to the consequences.

Mr. DODD. I also think it behooves us to listen to the people who have stayed in Cuba for the last 30 years, who also want to see Castro go; who have experienced firsthand the impact of our policies. Speaking for this group, the Cuban Conference of Catholic Bishops has said that the passage of this legislation to tighten the embargo would contribute to "an increase in the suffering of the people and risk of violence in the face of desperation."

Again, these are not supporters of Fidel Castro. These are the people who have been in the frontlines in Cuba, fighting for change.

Mr. President, former National Security Adviser to President Carter, Zbigniew Brzezinski, had a very thoughtful article printed in the Houston Chronicle at the time of the refugee crisis last fall—again, someone whom I think all of us would agree was not soft on Castro, as some people like to use those words with anyone who disagrees with them. The title of this article is "Soft Landing or a Crash Dive in Store for Cuba?" Mr. Brzezinski laid out the alternative courses, and there are some, that we could follow in relations to Cuba to achieve the desired results. He concluded that it was in our interests for there to be a peaceful transition to a non-Communist regime in that country, rather than promote a social explosion and the concomitant tidal wave of Cuban humanity toward our shores.

Mr. President, I ask unanimous consent the article by Mr. Brzezinski be printed in the RECORD at this point, as well.

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

[From the Houston Chronicle, Sept. 8, 1994]

SOFT LANDING OR A CRASH DIVE IN STORE FOR CUBA?

(By Zbigniew Brzezinski)

The Cuban regime is in its terminal stage. The critical issue at stake is whether its final gasp will be violent or relatively benign. American policy must make the strategic choice as to whether a "crash landing" scenario is preferable to a "soft landing."

As things are now headed, a bloody crash landing for the Castro regime is becoming more likely. U.S. sanctions are intensifying social and political tensions on the island. An explosion could occur before too much time has passed.

What then?

If an anti-Castro revolution succeeds quickly, the outcome may be viewed as beneficial to the United States as well as to the Cuban people themselves. The 35-year-old communist experiment in the Western Hemisphere will have gone up in the smoke of the final funeral pyre for the failed Marxist Utopia. It would be a fitting "Gotterdammerung" for a regime that was dedicated to violence and which ruled by violence.

But the explosion may not succeed. Castro is not only the Stalin of the Cuban revolution; he is also its Lenin. He does have considerable residual loyalty, not only among the ruling party-army elite, but within some sections of society.

It is also quite conceivable that Castro, faced with the realization that U.S. sanctions are stimulating an uprising, may use the current migration first to weaken the opposition and then, quite deliberately, to provoke an explosion which he can then more easily crush.

What then? Will the Clinton administration, which has made so much of the idea of "restoring" democracy to Haiti, sit back and do nothing while Cuban freedom fighters are crushed? Or will the United States launch an invasion of Cuba to finish the job?

The current policy of imposing intensifying social hardships on Cuba while condemning its regime—thereby also causing a greater outflow of migrants—only makes sense if the U.S. goal is to precipitate the early fall of the Castro regime. In that case, the United States must be ready to follow through on the strategic logic involved, while, indeed, rebuffing any Cuban proposals of wider negotiations.

In effect, the strategy of precipitating a "crash landing" also requires, as a last resort, clear-minded U.S. determination to invade Cuba.

Since there is reason to doubt that the Clinton administration is deliberately embarked on that course, and even more that it would be willing to launch a supportive invasion of Cuba, the U.S. rebuff to Cuba's overture for wider negotiations on the "true causes" for the flood of migrants makes little sense. A wiser and more effective response would be to seize the opportunity of the Cuban offer so that the United States can pursue a soft-landing strategy.

The Cubans have indicated that they would be prepared to contain the migratory outflow upon a positive American response to their proposal—and that would defuse the urgent problem posed by the migration itself.

But the U.S.-Cuban talks should not be limited to the issue of migration alone. Instead, they should be exploited to advance the soft-landing strategy by setting in motion a more deliberate, somewhat longer-term process designed to manage in a more benign way the terminal phase of the Castro regime.

Accordingly, in the dialogue with Havana, the United States should not be shy in offering its own diagnosis of the "true causes" of that regime's failures. Its brutal political dictatorship and its dogmatic economic management could be subjected to a scathing critique.

At the same time, attractive political and economic alternatives could also be put on the table. More specifically, the United States could propose a schedule for the staged introduction of democracy—perhaps on the model of what happened in Poland in 1989—as well as a similarly staged economic-aid program (including a step-by-step lifting of the embargo), designed to alleviate the immediate suffering of the population and then to stimulate the economic recovery of the island.

Such an initiative would gain the support of much of Latin American public opinion. It would also be likely to have European backing, especially from Spain. These reactions would be noted in Cuba, making a negative response by Castro more costly for him.

Of course, given the dictatorial nature of the Cuban regime, it would be up to Castro personally to decide whether to accept or reject the initiative. Acceptance could make the process of transition more peaceful and also increasingly difficult to resist.

A refusal by Castro—which at this stage represents the more likely reaction—might help to mobilize support for the U.S. initiative even on the part of some Cubans who otherwise would support Castro in a final showdown. That would further weaken and isolate the old dictator, enhancing the prospects of success for any eventual popular revolt against his regime.

There is little to be risked by exploring the soft-landing option. And much to be gained, especially by the Cuban people.

Mr. DODD. At any rate, I apologize to my colleagues for taking this amount of time, but my point here is I understand and appreciate the emotional levels that people feel when this issue comes up.

And I have great sympathy—not as a Cuban-American—but sympathy for how Cuban-Americans feel who had to leave their country under the worst of circumstances, or watch their families be imprisoned and treated brutally by their Government. But I think as we are examining how we deal with that problem, how we try to create the transition, that we do so with an eye toward what is in the best interest of our country, and also take steps that are not rooted and grounded in an emotional response but that are likely to produce the result which we can all support.

I strongly suggest to my colleagues that the legislation, no matter how well intended, does none of those things. In fact, I think it is bad for our country. I do not think it produces the kind of results at all that the proponents claim it will. In fact, I think it does quite the contrary. I do not think it is in the interest of this country. It does damage to our country, and I think it would make it that much more difficult to achieve the kind of results we would like to see in Cuba, and to see promptly.

For those reasons, Mr. President, I strongly urge that my colleagues vote against invoking cloture when that vote comes up—and that will be the first vote we will have on this measure—to send a message that this bill ought to go back to committee and be reexamined thoroughly as to whether this legislation really makes sense. If that does not occur, then vote against this legislation when that opportunity arises.

Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I rise today in support of the Cuban Liberty and Democratic Solidarity Act and encourage my colleagues to vote for cloture when that time arrives.

This is a bill which would seek increased international pressure on Fidel Castro, hold out the promise of assistance to transition and democratic governments in Cuba, and provide a powerful disincentive to those who would use illegally expropriated property belonging to United States citizens to prop up the Castro regime and its instruments of repression.

Despite the diligent efforts of the Clinton administration and apologists for Castro to misrepresent this bill, this bill is an effective, and thoughtful program for maintaining economic pressure on Castro, supporting democratic forces inside Cuba, and planning for future transition and democratic governments.

Fidel Castro has been in power for 36 years. That is longer than Mao and Joseph Stalin. That is mindboggling.

As happened with the Soviet Union and the People's Republic of China, much of the world has denied, ignored, and become inured to the litany of human rights abuses emanating from Cuba. Now, with the cold war over, there is even less interest.

Ramming tugs full of refugees, arbitrary arrests, made-up crimes and lengthy imprisonment in squalid prisons and psychiatric hospitals apparently do not raise an eyebrow anymore.

The final step in the process of accommodation, normalization of commercial and other ties, is taking place now as many countries look for commercial opportunities in Cuba.

Before I go on to explain why foreign investment in Cuba will prolong, not end, the tyranny of Fidel Castro, let me address the state of human rights in Cuba today.

I would like to read an excerpt from the 1994–95 Freedom in the World Report, compiled by Freedom House.

With the possible exception of South Africa, Indonesia and China, Cuba under Castro has had more political prisoners per capita for longer periods than any other country.

Since 1992 Cuba's community of human rights activists and dissidents has been subject to particularly severe crackdowns. Hundreds of human rights activists have been jailed or placed under house arrest.

In the extended crackdown that began in August 1994, over thirty dissidents were detained and beaten while in custody.

Dissidents are frequently assaulted in the streets and in their homes by plainclothes police and the 'rapid action brigades,' mobs organized by state security, often through the Committees for the Defense of the Revolution (CDRs).

There is continued evidence of torture and killings in prisons and psychiatric institutions, where a number of the dissidents arrested in recent years have been incarcerated.

Since 1990, the International Committee of the Red Cross has been denied access to prisoners.

Freedom of movement and freedom to choose one's residence, education or job are restricted. Attempting to leave the island without permission is a punishable offense and crackdowns have been severe since 1993, except during the month-long exodus in 1994. The punishment for illegal exit——

I would like just to make a point here. The idea that you would live in a country that would have a law that would make it illegal for you to leave, and the punishment for that would be 3 years in prison is unconscionable. At the present time, there are some 1,000 individuals, it is estimated, in prison for that particular crime of wanting to leave the country.

Mr. JEFFORDS. Mr. President, will the Senator yield for a unanimous consent request?

Mr. MACK. Certainly.

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. MACK. Unfortunately, the world has become so conditioned to Castro's abuses that the suffering of the Cuban people sometimes becomes a footnote in debates over maintaining the embargo, or Castro's efforts to revive Cuba's nuclear and military capabilities.

Mr. President, I have had the opportunity over the years to have been somewhat involved in the issues of human rights violations in Cuba having had the opportunity to talk with Cubans who have one way or another left the island of Cuba. I have also been in Geneva during the debate surrounding the issue of human rights violations in Cuba.

While I can understand how, over a period of time, people seem to be able to just brush aside the human aspects of this debate and focus on the legal constitutional issues, the reality of what we are talking about here today is not economics and it is not constitutional law. It is what is happening to individuals on a day-to-day basis.

I would say to you again that in my conversations with people who have left Cuba and who have left recently, their reaction to our backing away or backing down on the economic sanctions, or the embargo that is in place, they say that would be the wrong thing to do even though they are going through tremendous suffering. They say it would be the wrong thing to do. It is the only message they hear from around the world that says that someone is concerned about their future. It would be a terrible mistake for the Senate to reject this legislation.

I would like to turn the debate briefly away from the human rights aspect of it and talk a little bit about the embargo and maintaining economic pressure on Castro.

Foreign investors in Cuba often purport to be responding to changes in the regime. In fact, there have been no significant economic changes, let alone political ones.

Castro controls sectors of the economy that attract most foreign investment such as mining and petroleum, telecommunications, agriculture, and tourism.

An index of foreign investment in Cuba lists over a dozen democracies.

Foreign companies must make partnerships with the regime. Increasingly this means Cuba's military, which like China's, is getting more and more involved in the economy.

Tourism is the military's cash cow, especially foreigners-only restaurants and resorts which have created what Cubans call tourism apartheid.

The argument that foreign investment makes private citizens independent of state control by enabling them to support a free press, political parties, religious groups and labor and professional organizations simply does not apply to Cuba where there is no such thing as a right to private property, let alone free speech, association or assembly.

European, Canadian, and Mexican investors have been providing crucial support to Castro for years yet there is no benefit to ordinary Cubans. The constitution requires state ownership of the fundamental means of production. Foreign companies may not contract with workers.

Instead, companies pay the Government. Again, I want to stress this point. If you do business in Cuba today, the impression is created that these reforms are somehow or another dramatically changing what is happening in Cuba. If you are doing business in Cuba today and you hire a number of Cubans, you do not pay directly your work force.

You pay the money to the Cuban Government, say, 300 United States dollars a month for each employee. That employee receives $4 to $5 a month in pesos from the Cuban Government. The balance of that money stays with Fidel Castro's government. In fact, it enhances Fidel Castro's ability to control the island.

So this idea, this notion that somehow or other if we were to liberalize our approach in dealing with Fidel Castro that the people of Cuba will benefit is just hogwash. The individual who will benefit will be Fidel Castro. And anyone who has done any serious reading about Fidel Castro knows that his only motive is his own private power, his ability to remain in place as the leader. His interests are not, in fact, the Cuban people.

Decree Law No. 149 directs agents to search out and seize cash or property of Cubans deemed unduly wealthy. Deemed unduly wealthy, interesting concept, is it not, that the government would define and determine who in the country is unduly wealthy.

Individuals discovered with a motorbike or extra clothes can be charged with illegal enrichment and face lengthy prison terms. Sometimes foreign investments involve the $1.8 billion in U.S. properties seized in 1960 without compensation. Despite misleading representations to prospective investors, Cuba has never settled a single claim for these properties.

Castro encourages and courts this investment, even inventing a cosmetic law that purports to protect the assets of foreign investors. Our State Department asks our allies to discourage their citizens from investing in such properties, with mixed success. Somehow transactions that businessmen would not touch with a 10-foot pole in their own countries seem all right in Cuba, where fraudulent transactions involving the government are above the law.

This bill provides a powerful disincentive to those who knowingly invest in expropriated U.S. properties by

providing another forum for legal action by U.S. citizens. However, neither this bill nor longstanding United States policy towards Cuba is inspired by the economic injuries suffered by our citizens. We simply refuse to prop up the Castro regime and its instruments of repression.

A recent report of the AFL-CIO's American Institute for Free Labor Development explained Castro's strategy to substitute hard currency for real change.

And I quote:

"[r]eforms" are not seen as ends in themselves but as temporary mechanisms for gaining enough foreign currency and trade to ensure the survival of the communist system. "Privatization" is not an open-ended invitation to foreign entrepreneurs, but a tightly controlled partnership between investors and government agencies, for the purpose of strengthening those very agencies.

The Clinton administration's changeable Cuba policy may have led our allies to believe sentiment in the United States is divided over Cuba. It is not. Worse still, administration wavering may have caused Cubans to doubt United States resolve and take to rafts and innertubes in numbers greater than any time since the Mariel exodus.

Some of our allies have criticized the bill on the grounds that the United States has no right to tell its allies not to do business in Cuba. We are doing no such thing. This legislation is directed at Fidel Castro and his government. Insofar as this bill has a message for our allies, it is that we attach the greatest importance to ending the decades-long nightmare of the Cuban people. Foreign investment on Castro's terms prolongs that nightmare.

Other provisions of this bill would deny Cuba the money and legitimacy that comes from being a member of international financial and other institutions, like the Inter-American Development Bank and the Organization of American States.

This bill tells the States of the former Soviet Union they may not blithely restart their predecessor's close relations with Fidel Castro and expect the United States not to care.

We will not subsidize Russia's assistance to Cuba so long as it supports Castro's destabilizing ambitions in the hemisphere and keeps the Cuban people under the thumb of corrupt and inefficient Socialist economic policies.

We will however plan for the day, the moment, that the United States can help the people of Cuba make a transition to democracy. This bill holds out the promise of aid to transition and democratic governments in Cuba and allows the President great flexibility in extending the help and support of the United States.

Americans right now are already the largest donors of humanitarian aid to Cuba. We will do more. But we won't prolong the Castro nightmare 1 minute longer than necessary by relaxing pressure on Castro or helping him attract foreign investment.

Mr. President, not too long ago I saw a movie called "Braveheart." It is about the struggle for human freedom. And this movie was about the effort on the part of the Scottish people to secure their freedom. There was a scene in this movie in the midst of a battle in which the hero of the movie had spoken with the nobles in the country asking for their support. And at the crucial moment in the battle, I remember again the hero turning to someone for support from these nobles, and at this crucial moment, the nobles turned their backs on freedom. They turned their backs on freedom for one reason: for their self-interest, for their need to continue the existing system because they profited from it.

I know that the motivation, frankly, behind those who are in disagreement with what we are trying to accomplish is the desire to profit from the markets that will be available someday in Cuba. I understand that. I am disappointed that people react that way. We will never change that attitude. It has been in existence as long as man has been on the surface of this Earth.

But I think we ought to recognize it for what it is. People want to do business in China today for exactly the same reason. For a few brief moments the Nation focused on Harry Wu. But now he is back, and everyone has forgotten. The same kind of thing is happening in Cuba. Day in and day out innocent people who want the same things out of life that you and I enjoy, and those are the basic principles and the freedoms that we enjoy—the freedom of assembly, the freedom of religion, the freedom to pursue your own livelihood—and yet we are, in essence, not willing to stand up and fight for those individuals because of the commercial interest that exists throughout the world. I understand it. I reject it. I wish it was not there. But I think we ought to recognize it because that is what is driving a lot of this debate.

I would hope that just occasionally there would be an opportunity for the nobles of the world to say just once in this one case, "I am willing to give up the opportunity for profit, the opportunity for growth in my company, give up those opportunities so that other individuals that we do not know, never will meet, but who have struggled for the same kinds of freedom and liberty that we enjoy today." And I certainly would hope that this Congress will pass this legislation so that we can provide a message of hope to the people of Cuba.

I yield the floor.

Mr. REID. Mr. President, I rise in support of the Cuban Liberty and Democratic Solidarity Act of 1995. I believe this legislation will encourage the holding of free and fair democratic elections in Cuba. It will provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba. This bill will also protect the rights of U.S. persons who own claims to confiscated property abroad.

I believe this legislation will expedite the transition to a democratic government in Cuba. Whether you are for or against this bill, no one disagrees that this should be the policy of our government. Denying United States visas to those who trade with Cuba and discouraging International Financial Institutions assistance to Cuba are necessary steps that will strengthen the embargo and bring about the downfall of the Castro regime.

One of the significant provisions of this bill is the section dealing with property. It is difficult to accept the argument that Fidel Castro's confiscation of property belonging to naturalized citizens should not be subject to a remedy under the domestic laws of the United States. Confiscations of property belonging to U.S. nationals at the time of the taking clearly violated international law. These takings were done to retaliate against U.S. nationals for acts of the U.S. Government, and the takings were without the payment of adequate and effective compensation.

While courts have generally not recognized actions of foreign governments against its own citizens, international human rights law does recognize that in certain circumstances a state violates international law when it confiscates the property of either its own citizens or aliens based on some invidious category such a race, nationality, or political opinion. Some legal scholars have noted that the international community may be moving toward recognition of claims when confiscations or expropriations are the result of such discrimination.

The stories of property confiscation in Cuba are repugnant. The confiscations of Cuban-owned property were based on such obscene grounds as an owner's having committed "offenses defined by law as counter-revolutionary."

I believe this legislation establishes the framework by which Cuba will become a democratic nation. I have heard from many in the Cuban-American community who spend the majority of their time working to realize this objective. This legislation honors the hard work of these fighters of freedom and I encourage my colleagues to support final passage. I thank the Chair and yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from California is recognized.

TRIBUTE TO SAM NUNN

Mrs. FEINSTEIN. Mr. President, I rise not to speak on this bill but to do two things. First, to say a few words and share my respect and admiration for the senior Senator from Georgia. And, second to share some of my reflections of the past year and where I think we seem to be heading with the reconciliation bill.

Mr. President, I do not serve on a committee with the senior Senator from Georgia, but I do try to listen to the floor when I am in the office. I have a very simple test, I either turn the sound up or down or off depending on the merit I find in the discussion. I have always turned the sound up to listen to Senator Sam NUNN. And, what I have heard is an intelligent, a reasoned, and a very informed person who has brought a great deal to bear in the debates on the Senate floor. He has been a strong and tireless advocate for a national defense policy that is well thought out, for foreign policy that explores each issue as part of a whole policy situation and not a separate standalone issue.

His ability, I think, to see individual defense programs or foreign policy actions as part of the total debate has given him the ability to think independently of party and the daily public opinion poll and put forth a policy that is really important.

I will miss him greatly. I very much regret his decision to retire from the U.S. Senate. I think it is to the Senate's loss when we lose one of our great minds.

The distinguished Senator has been an advocate for a strong national defense, especially pushing for a well-trained and modern force. He has constantly lent his support to support programs which would better prepare our men and women in uniform for war, but moreover for operations-other-than-war including humanitarian missions.

His leadership in foreign policy is marked, as well. He has been the single strongest voice for lessening the threat of nuclear proliferation from the States of the former Soviet Union with the policies advanced under the Nunn-Lugar program. And, he has helped our relationship with the new Russia and the nations of Eastern Europe through his ideas on NATO expansion and the Partnership for Peace Program.

Senator NUNN will continue to remain a voice of moderation and independent thought throughout the remainder of his term. I will miss his contributions to some of the most important issues of our day and this body will miss his leadership.

THE RECONCILIATION BILL

Mrs. FEINSTEIN. Mr. President, over the past 200 years, almost 2,000 men and women have stood in this Chamber charged with the task of governing the greatest democracy in the world. They were, like us, men and women of ideals and principle. This Chamber is also no stranger to revolutionary winds and radical ideas.

Some ideas dissipate quickly; others stand like pillars in our Nation's history. One thing has held true over time, most ideals will not withstand the rigors of the democratic process if they do not hold true to the democratic promise: The promise of opportunity for those willing to earn it, the promise of freedom for those willing to protect it, and the promise of security for those who play by the rules and give their fair share.

And these ideals, once implemented, must also withstand the test of time, which brings us to where we are today: Reexamining institutions and programs, cutting or streamlining where possible, eliminating where necessary. We have done some important work this year, and I commend the party in power for that. But I am deeply troubled by the direction of some of these changes and the extremes to which this Congress seems to be headed.

The American people voted for change in 1992 and in 1994. They clearly wanted a smaller, more efficient Government. They wanted a better use of their tax dollars. But they did not vote for the wholesale dismantling of Government. Laws that protect public safety, education, and access to basic health care are all critically needed and supported by the public we serve.

Some of the proposals being put forth in this Congress seem less like needed reform and more like revolution for revolution's sake. They go beyond reason and, I believe, beyond the wishes of the American people.

If moderation does not prevail, this level of extremism will ultimately take our country backward, not forward, and the damage will be felt not by us, but by generations to come.

Examples of the kind of extremism which seems to have gripped some in this Congress are littered throughout major bills we have dealt with this year, from regulatory reform to appropriations bills, to obscure language added to defense authorization bills, and to the upcoming reconciliation bill. But some of the most onerous and most blatant extremism is reserved for the upcoming Medicaid and Medicare plans. Let me give you examples of my concerns.

Medicaid is the safety net, a true safety net, for 36 million Americans. Does Medicaid need to be reformed? Yes, but you do not get there by simply cutting off the most vulnerable people from access to fundamental health care.

Six million Americans who are disabled rely on Medicaid for their health care. Because they have long-term, complex and expensive health conditions, they cannot buy private insurance. Medicaid is often the only health insurance available for this population. Yet, both the Senate and the House bills could jeopardize coverage for the disabled.

Nationally, 15 percent of Medicare beneficiaries rely on help from Medicaid to cover the required copayments. The Senate bill would allow States to remove such coverage, leaving millions of the poorest seniors quite possibly unable to pay their share of Medicare costs.

The House bill would also eliminate guaranteed coverage for children whose health insurance is Medicaid. Twenty percent of the Nation's children rely on Medicaid for basic health needs—immunizations, emergency care, regular checkups. This makes no sense to me, fiscal or moral.

What is revolutionary about regressing on quality and safety standards in nursing homes? Twenty years ago, Congress reacted to the appalling state of our country's seniors who resided in nursing homes: elderly patients strapped to their beds against their will, patients being fed dog food and drugs, lice-infested bed sheets. These pictures are not even old enough to fade from memory yet.

I well remember conditions in the early seventies that my sisters and I found when we went to look at some 40 San Francisco Bay Area nursing homes for my mother who had chronic brain syndrome—a deterioration of the brain that covers memory, reason, and judgment.

I remember the stench of urine, seniors strapped to wheelchairs, poor food, and on and on. We were lucky then to find 1 home out of 40 that we visited that had a level of care that was appropriate for my mother, and she lived there for 7 years.

The call for national standards then was loud, clear and bipartisan. In fact, the standards now in place were supported by both parties and signed into law by then-President Ronald Reagan.

Have we really so soon forgotten these lessons? In our extreme zeal to get Government off our backs, are we really willing to subject the next generation of seniors to the same degradations all over again?

Another aspect of the House Republican Medicaid plan that I believe goes beyond the bounds of reason is the repeal of protections against spousal impoverishment. A woman today who cannot afford the cost of nursing home care for her husband with Alzheimer's already must spend down her own resources to low levels in order to qualify for Medicaid.

Current law allows her to retain up to $14,961 in income to remain living independently, and prohibits States from imposing liens on homes of nursing home residents. The House bill eliminates these protections, protections which allow her to keep her car,

her home, and enough money to pay her heating bills while paying for her husband's nursing home care with Medicaid assistance.

Over 10.5 million Californians, nearly one-third of my State's residents, have incomes less than 200 percent of the poverty line. These families are one tragedy, one major illness, one job loss away from not making it. Removing the only thing that stands between these families and bankruptcy is not reform, it is extreme, and it is unconscionable.

The Republican proposal cuts Medicare by $270 billion. That is not just extreme, I think it is disingenuous. The $270 billion in cuts is not going to the deficit. It is not being used to save Medicare. It is going to give tax breaks to the wealthy, and it is going to raise taxes for the poor.

Only $89 billion is needed to make the part A trust fund of Medicare solvent. That is what becomes insolvent in the year 2002. But cuts are also made in part B, which has nothing to do with the trust fund, and the reason for this is, in part, it would seem, to give a capital gains tax cut.

A capital gains tax cut largely benefits people who earn incomes of over $100,000 a year, and I can see reasons for a capital gains tax cut—but not by cutting Medicare. That is simply not moral.

The cuts to hospitals in part A will have a devastating impact, particularly on public hospitals and teaching hospitals. In my State, for example, the University of California maintains five big teaching hospitals. According to them last week, under this plan, they would face a net loss of $116.4 million over 7 years. Other California hospitals, already facing strapped budgets, would lose an additional $7 billion.

The Senate Medicare plan also includes arbitrary cuts in provider services if spending does not meet targeted levels—indiscriminate cuts in home health, hospital care, doctor visits and diagnostic tests.

Providers have already borne the brunt of congressional budget cuts over the last 10 years, and we all know what indiscriminate cuts mean; it means fewer doctors serving Medicare patients, and cutbacks in services for those who do.

This is not reform, it is a kind of politics, but these politics will hurt America's seniors and America's indigent. We can do better than that if moderate heads prevail.

I am not one that says only $89 billion should be cut. I recognize that we have to look at other things to balance the budget. I recognize that Medicare and Medicaid are culprits in budget balancing. But let us do it in a way that sees the light of day, that has full discussion, that takes into consideration many views, not just the views of one political party and, in fact, one branch of that political party.

Some of the extremism that I have seen this past year is not just an isolated case. Much of the legislation we have worked on takes this country back. Let me just throw out some of the areas: environmental protection, safety regulations, abortion rights, education.

We are not talking about Federal micro-management that can be done better by States. We are talking about things like clean air, clean water, hazardous waste cleanup, and airline safety.

For example, provisions in appropriations bills for the EPA and proposed budget cuts would hinder the enforcement of safe drinking water standards for contaminants like cryptosporidium and arsenic in water. Do the American people want this? No. It would prevent EPA from testing for groundwater contamination at underground storage tanks. Do the American people want this? No. It would reduce hazardous waste compliance inspections at Federal facilities, such as Edwards and Vandenberg Air Force Bases, the Department of Energy's Livermore Laboratories, San Diego Naval Station, and Sacramento Army Depot. Do Californians want this? No.

It would further delay the cleanup of 230 Superfund sites across this Nation, including a dozen or more in my State. One of them that would be delayed is called Iron Mountain Mine, located in Redding. It is interesting. It is a mountain that used to be an old copper mine. It has holes in it the height of a 30-story office building because the mountain was drilled. When it rains, the water mixes with the chemical and it produces sulfuric acid, which drains out into the Trinity River and metalizes the river bed. There are a couple of ways of controlling it, but they are very expensive. It is a big Superfund site. Is it important to do it? Of course. This river eventually becomes part of the drinking water for two-thirds of the people in the State of California.

But balancing the budget is not all that this agenda is about, because at the same time many are proposing cutbacks in funds to enforce environmental and safety standards, they want to give away billions of dollars in gold and mineral resources owned by American taxpayers to mining companies at a fraction of what they are worth. They want to open up the Arctic National Wildlife Refuge to oil development companies and permit logging on public lands, while waiving environmental laws that protect those lands.

This is not budget cutting; it is "setback" political agenda. These proposals place cost above safety in regulatory reform. To me, this means many safety standards can be challenged because they do not meet the least-cost alternative test, including shoulder belts and rear seat belts in cars, airbags in cars, and black boxes on airplanes. It means critical delays in safety regulations for things like commuter airlines and meat inspections. This is not reform; this is an abdication of responsibility.

This agenda is not about reducing taxes—at least not for everyone. While some plan to cut Medicare to give a capital gains tax break, they also want to increase taxes for 7.4 million lower income Americans. Republican proposals would reduce the earned-income tax credit for low-income workers and their families, and eliminate it entirely for low-income workers without children.

While the Senate proposals would also make cuts in capital gains taxes, a House plan would eliminate $3.5 billion in tax credits for developers investing in housing for low and moderate-income families.

Education, without an education and skilled work force this country will be nowhere. We cannot compete in a global marketplace. We all agree with that, regardless of party. Yet, there are efforts to cut the number of students receiving Pell Grants, to eliminate the direct student loan program, to tax colleges for every student that receives a Federal loan, to eliminate the AmeriCorps Program, which provides money for college to more than 4 million youngsters who serve their communities over the next 7 years.

This is not about getting Government off of our backs. We see attacks on a woman's right to choose everywhere in these bills—from preventing women in the military from using their own funds to pay for an abortion at military hospitals overseas, to preventing the District of Columbia from using its own locally-raised tax dollars to provide abortions for poor women, to denying Federal employees access to abortion services in their health benefits—an option available to all nongovernment employees—to the most insidious of all: House measures, and an expected Senate measure, to make Medicaid funding of abortion optional for States even in cases of rape and incest.

This is not reform, it is a step backward in time to the days we all remember well, where desperate women were forced to seek medical treatment in back allies. I remember it. I remember college dormitory students passing the plate so an 18 year old woman could go to Mexico for an abortion. There is no other way of describing this, except extremism.

The irony of the reconciliation bill is that it will contain many of these things. And our process, theoretically, is designed on big issues to have full discussion and debate. That is what this Senate is supposed to be all about. Some of these issues will have little public hearing. They will be limited to 20 hours of debate. These extreme proposals can set back our Nation, and

they most certainly will impact the future of tens of millions of Americans.

I thank the Chair and yield the floor.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, I ask the Chair to state the pending business.

The PRESIDING OFFICER. The pending business is amendment No. 2898 to H.R. 927.

CLOTURE MOTION

Mr. HELMS. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment, calendar No. 202, H.R. 927, an act to seek international sanctions against the Castro government in Cuba:

Senators Robert Dole, Jesse Helms, Bob Smith, Bill Frist, John Ashcroft, James M. Inhofe, Paul Coverdell, Spencer Abraham, Larry E. Craig, Trent Lott, Rod Grams, Frank Murkowski, Fred Thompson, Mike DeWine, Hank Brown, and Charles E. Grassley.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to the Congressional Accountability Act and the Extension of Rights and Protections under the Fair Labor Standards Act of 1938, as applied to interns and irregular work schedules in the House of Representatives.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (INTERNS; IRREGULAR WORK SCHEDULES)

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed rules to implement section 203(a)(2) and 203(c)(3) of the Congressional Accountability Act (P.L. 104-1). The proposed regulations, which are to be applied to the House of Representatives and employees of the House of Representatives, set forth the recommendations of the Deputy Executive Director for the House of Representatives, Office of Compliance, as approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this notice in the CONGRESSIONAL RECORD.

Addresses: Submit written comments to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 252-3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Deputy Executive Director for the House of Representatives, Office of Compliance at (202) 252-3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 244-2705.

Supplementary Information:

Background—General: The Congressional Accountability Act of 1995 ("CAA"), PL 104-1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 203(a) of the CAA applies the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) and (d), 207, 212(c) to covered employees and employing offices. Section 203(c) of the CAA directs the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement the section. Section 203(c)(2) further states that such regulations, with the exception of certain irregular work schedule regulations to be issued under section 203(a)(3), "shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Section 203(a)(2) of the CAA provides that "the term 'covered employee' [for the purpose of FLSA rights and protections] does not include an intern as defined in regulations * * *" issued by the Board pursuant to section 203(c).

Background: Part A—Interns: Part A of the proposed regulations defines the term "intern."

While there appears to be no definitive interpretation of the term "intern" for FLSA purposes in current House usage, the Board has consulted several House sources in formulating the proposed definition set forth herein. For example, the House Ethics Manual gives the following definition of the term "intern":

"An *intern* means an individual performing services in a House office on a temporary basis incidental to the pursuit of the individual's educational objectives. Some interns receive no compensation from any source, while some receive compensation or other assistance from an educational institution or other sponsoring entity."

House Comm. on Standards of Official Conduct, *House Ethics Manual*, a p. 196 (1992)("Ethics Manual"). *See also* "Guidance on Intern, Volunteer and Fellow Programs," dated June 29, 1990, reprinted at *Ethics Manual*, p. 206 (utilizing identical definition). It is from these background materials that the proposed definition has been drawn. The proposed regulation is not intended to cover other similar job positions such as volunteers or fellows, nor does it cover pages.

Part A—Interns: Section 1. An intern is an individual who:

(a) is performing services in an employing office as part of the pursuit of the individual's educational objectives, and

(b) is appointed on a temporary basis for a period not to exceed one academic semester (including the period between semesters); provided that an intern may be reappointed for one succeeding temporary period.

Background: Part B—Irregular Work Schedules: Section 203(c)(3) of the Act directs the Board to issue regulations for employees "whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions of the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules."

Section 7(f) of the Fair Labor Standards Act (29 U.S.C. 207(f)) provides that "No employer shall be deemed to have violated subsection (a) [requiring overtime pay after an employee has worked 40 hours in a workweek] by employing any employee in a workweek in excess of the maximum workweek applicable [currently 40 hours] if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work and the contract or agreement (1) specifies a regular rate of pay not less than the minimum provided in * * * section 6 [currently set at $4.25 per hour] * * * and compensation at not less than one and one-half times that rate for all hours worked in excess of such maximum workweek and (2) provides a weekly guarantee of pay for not more than sixty hours based on the rates so specified." Part B of the proposed regulations implements the provisions of section 203(a)(3) of the CAA by developing FLSA overtime pay requirements for employees of covered employing offices whose schedules directly depend on the schedule of the House of Representatives.

The proposed regulation develops a standard for determining whether an individual's work schedule "directly depends" on the schedule of the House of Representatives. In setting the remaining requirements for such employees, the proposed regulations adopt almost verbatim the requirements of sections 7(f) and 7(o) of the FLSA, (29 U.S.C. §§ 207(f) and (o)).

Section 203(a)(3) directs the Board to adopt regulations "comparable" to the irregular work provisions of the FLSA. Section 2 of the proposed regulation incorporates the provisions of section 7(f) of the FLSA. The

Board has not proposed to vary the requirements of section 7(f) because the Board is not currently aware of any working conditions which would require modification of the requirements for covered employees who work irregular hours, as compared to employees who work irregular hours in the private sector. However, there may be aspects to the House of Representatives' operations, such as very wide variations in weekly hours of work of some covered employees whose schedules directly depend on the schedule of the House of Representatives or times when such employees may work a large number of overtime hours for extended periods, which commentors may believe would require a modification of the proposed regulation. Accordingly, the Board invites comments on whether the contracts or agreements referenced in Section 2 of the proposed regulation can or should be permitted to provide for a guaranty of pay for more than 60 hours and whether the terms and use of such contracts or agreements should differ in some other manner from those permitted in the private sector. The Board further invites comment on whether and to what extent the regulations in this subpart may and should vary in any other respect from the provisions of section 7(f) of the FLSA.

The Board also invites comment on whether this proposed regulation should be considered the sole irregular work schedule provision applicable to covered employees or whether, in addition, section 203 of the CAA applies the irregular hours provision of section 7(f) of the FLSA with respect to covered employees whose work schedules do not directly depend on the schedule of the House or Senate.

Pursuant to section 203(a)(3) of the CAA, the proposed regulation also authorizes employing offices to compensate covered employees with compensatory time off in lieu of overtime compensation where such employees' work schedules meet the irregular schedule definition of Section 1 of the proposed regulation. The Secretary of Labor has not promulgated regulations regarding the receipt of compensatory time in lieu of overtime compensation by employees who work irregular work schedules and no comparable authority exists for employees covered by the FLSA in the private sector to accrue compensatory time in lieu of paid overtime. The proposed regulation's terms regarding compensatory time are derived from the provisions of section 7(o) of the FLSA which permits public employers to continue the practice of providing compensatory time in lieu of monetary payment for overtime worked. The Board is not currently aware of any working conditions in the House of Representatives which would require a different approach to the accrual and use of compensatory time than that applied to public employers and employees under the FLSA. However, there may be aspects of the House's operations which commentors may believe warrant a different approach.

Section 7(o) was incorporated into the FLSA as part of the Fair Labor Standards Amendments of 1985. The legislative history of those amendments reflects that the amendments "respond[ed] to [concerns of state and local governments] by adjusting certain FLSA principles with respect to employees of states and their political subdivisions." S. Rep. No. 159, 99th Cong., 1st Sess. 4 (1985), *reprinted in* 1985 U.S.C.C.A.N. 651, 655. In this regard there was a recognition that "the financial costs of coming into compliance with the FLSA—particularly the overtime provisions of section 7—[were] a matter of grave concern" and that "many state and local government employers and their employees voluntarily [had] worked out arrangements providing for compensatory time off in lieu of pay for hours worked beyond the normally scheduled work week. These arrangements * * * reflect[ed] mutually satisfactory solutions that [were] both fiscally and socially responsible. To the extent practicable, [Congress sought] to accommodate such arrangements". *Id.* at 8–9. In arriving at the maximum number of hours that could be accrued, the original Senate bill provided for a cap of 480 hours of compensatory time for all employees. The House proposed a cap of 180 hours for all employees except public safety employees, who would be permitted to accrual 480 hours. The current provisions of section 7(o) were agreed to in conference. See H.R. CONF. Rep. No. 357, 99th Cong., 1st Sess. 8 (1985), *reprinted in* 1985 U.S.C.C.A.N. 669.

The Board invites comment on whether and to what extent Section 7(o) is an appropriate model for the Board's regulations. The Board also invites comment, if Section 7(o) does provide an appropriate model, on whether and to what extent the regulations, including the accrual and use of compensatory time off and the limits on the maximum number of hours that can be accrued, should vary from the provisions of section 7(o) of the FLSA.

Part B—Irregular Work Schedules: Section 1. For the purposes of this Part, a covered employee's work schedule "directly depends" on the schedule of the House of Representatives only if the employee's normal workweek arrangement requires that the employee be scheduled to work during the hours that the House is in session and the employee may not schedule vacation, personal or other leave or time off during those hours, absent emergencies and leaves mandated by law. A covered employee's schedule "directly depends" on the schedule of the House of Representatives under the above definition regardless of the employee's schedule on days when the House is not in session.

Section 2. No employing office shall be deemed to have violated section 203(a)(1) of the CAA, which applies the protections of section 7(a)(1) of the Fair Labor Standards Act ("FLSA") to covered employees and employing offices, by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under section 7(a) of the FLSA if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the employee's work schedule directly depends on the schedule of the House of Representatives within the meaning of Section 1, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (a) of section 6 of the FLSA and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek [currently 40 hours], and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates of pay so specified.

Section 3. Covered employees whose work schedules directly depend on the schedule of the House of Representatives within the meaning of Section 1 must be compensated for all hours worked in excess of the maximum workweek applicable to such employees at time-and-a-half either in pay or in time off, pursuant to the relevant collective bargaining agreement, employment agreement or understanding arrived at before the performance of the work. However, those employees employed under a contract or agreement under Section 2 may be compensated in time off only for hours worked in excess of the weekly guaranty. In the case of a covered employee hired prior to the effective date of this regulation, the regular practice in effect immediately prior to the effective date with respect to the grant of compensatory time off in lieu of the receipt of overtime compensation shall constitute an agreement or understanding for purposes of this section. A covered employee under this section may not accrue compensatory time in excess of 240 hours of compensatory time for hours worked, except that if the work of such employee for which compensatory time may be provided includes work in a public safety activity, an emergency response activity or seasonal activity, the employee may accrue not more than 480 hours of compensatory time. Any employee who has accrued the maximum hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. The employee shall be permitted by the employing office to use compensatory time within a reasonable period after making the request if the use of such time does not unduly disrupt the operations of the employing office.

An employee who has accrued compensatory time authorized by this Section shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than (A) the average regular rate received by such employee during the last 3 years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher.

Method of Approval:

The Board recommends that these regulations be approved by resolution of the House of Representatives.

Signed at Washington, D.C., on this 10th day of October, 1995.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to the Congressional Accountability Act and the Extension of Rights and Protections under the Fair Labor Standards Act of 1938, as applied to interns and irregular work schedules in all employing offices except the Senate and the House of Representatives.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (INTERNS; IRREGULAR WORK SCHEDULES)

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed rules to implement section 203(a)(2) and 203(c)(3) of the Congressional Accountability Act (P.L. 104-1). The proposed regulations, which are to be applied to all covered employees and employing offices except the Senate and the House of Representatives and employees of the Senate and the House of Representatives, set forth the recommendations of the Executive Director, Office of Compliance, as approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this notice in the CONGRESSIONAL RECORD.

Addresses: Submit written comments to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 252-3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 252-3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 244-2705.

Supplementary Information: Background—General: The Congressional Accountability Act of 1995 ("CAA"), PL 104-1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 203(a) of the CAA applies the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) and (d), 207, 212(c), to covered employees and employing offices. Section 203(c) of the CAA directs the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement the section. Section 203(c)(2) further states that such regulations, with the exception of certain irregular work schedule regulations to be issued under section 203(a)(3), "shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Section 203(a)(2) of the CAA provides that "the term 'covered employee' [for the purpose of FLSA rights and protections] does not include an intern as defined in regulations. . ." issued by the Board pursuant to section 203(c).

Background: Part A—Interns: Part A of the proposed regulations defines the term "intern."

While there appears to be no definitive interpretation of the term "intern" for FLSA purposes in current House usage, the Board has consulted several sources in formulating the proposed definition set forth herein. For example, the House Ethics Manual gives the following definition of the term "intern":

"An *intern* means an individual performing services in a House office on a temporary basis incidental to the pursuit of the individual's educational objectives. Some interns receive no compensation from any source, while some receive compensation or other assistance from an educational institution or other sponsoring entity."

House Comm. on Standards of Official Conduct, *House Ethics Manual*, a p. 196 (1992)("Ethics Manual"). *See also* "Guidance on Intern, Volunteer and Fellow Programs," dated June 29, 1990, reprinted at *Ethics Manual*, p. 206 (utilizing identical definition).

Interpretive Ruling No. 442 issued by the Senate Select Committee on Ethics on April 15, 1992, states that intern programs designed for the educational benefit of the participants are deemed to be "officially connected" expenses that are related to the performance of a Senator's official responsibilities and that the supervising Senator is responsible for determining if such program "is primarily for the benefit of the intern." Similarly, the Senate Edition of the *Congressional Handbook* (1994) ("Senate Handbook") states that "Interns may be employed on a temporary basis for a few weeks to several months...". (Senate Handbook at p. I-10)

The proposed definition has drawn upon these sources. This proposed regulation is not intended to cover other similar job positions such as volunteers or fellows, nor does it cover pages.

Part A—Interns: Section 1. An intern is an individual who:

(a) is performing services in an employing office as part of the pursuit of the individual's educational objectives, and

(b) is appointed on a temporary basis for a period not to exceed one academic semester (including the period between semesters); provided that an intern may be reappointed for one succeeding temporary period.

Background: Part B—Irregular Work Schedules:

Section 203(c)(3) of the Act directs the Board to issue regulations for employees "whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions of the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules."

Section 7(f) of the Fair Labor Standards Act (29 U.S.C. 207(f)) provides that "No employer shall be deemed to have violated subsection (a) [requiring overtime pay after an employee has worked 40 hours in a workweek] by employing any employee in a workweek in excess of the maximum workweek applicable [currently 40 hours] if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work and the contract or agreement (1) specifies a regular rate of pay not less than the minimum provided in . . . section 6 [currently set at $4.25 per hour] . . . and compensation at not less than one and one-half times that rate for all hours worked in excess of such maximum workweek and (2) provides a weekly guarantee of pay for not more than sixty hours based on the rates so specified." Part B of the proposed regulations implements the provisions of section 203(a)(3) of the CAA by developing FLSA overtime pay requirements for employees of covered employing offices whose schedules directly depend on the schedule of the House of Representatives or the Senate.

The proposed regulation develops a standard for determining whether an individual's work schedule "directly depends" on the schedule of the House of Representatives or the Senate. In setting the remaining requirements for such employees, the proposed regulations adopt almost verbatim the requirements of sections 7(f) and 7(o) of the FLSA, (29 U.S.C. §§207(f) and (o)).

Section 203(a)(3) directs the Board to adopt regulations "comparable" to the irregular work provisions of the FLSA. Section 2 of the proposed regulation incorporates the provisions of section 7(f) of the FLSA. The Board has not proposed to vary the requirements of section 7(f) because the Board is not currently aware of any working conditions which would require modification of the requirements for covered employees who work irregular hours, as compared to employees who work irregular hours in the private sector. However, there may be aspects to the House of Representatives' or the Senate's operations, such as very wide variations in weekly hours of work of some covered employees whose schedules directly depend on the schedule of the House or Senate or times when such employees may work a large number of overtime hours for extended periods, which commentors may believe would require a modification of the proposed regulation. Accordingly, the Board invites comments on whether the contracts or agreements referenced in Section 2 of the proposed regulation can or should be permitted to provide for a guaranty of pay for more than 60 hours and whether the terms and use of such contracts or agreements should differ in some other manner from those permitted in the private sector. The Board further invites comment on whether and to what extent the regulations in this subpart may and should vary in any other respect from the provisions of section 7(f) of the FLSA.

The Board also invites comment on whether this proposed regulation should be considered the sole irregular work schedule provision applicable to covered employees or whether, in addition, section 203 of the CAA applies the irregular hours provision of section 7(f) of the FLSA with respect to covered employees whose work schedules do not directly depend on the schedule of the House or Senate.

Pursuant to section 203(a)(3) of the CAA, the proposed regulation also authorizes employing offices to compensate covered employees with compensatory time off in lieu of overtime compensation where such employees' work schedules meet the irregular schedule definition of Section 1 of the proposed regulation. The Secretary of Labor has not promulgated regulations regarding the receipt of compensatory time in lieu of overtime compensation by employees who work irregular work schedules and no comparable authority exists for employees covered by the FLSA in the private sector to accrue compensatory time in lieu of paid overtime. The proposed regulation's terms regarding compensatory time are derived from the provisions of section 7(o) of the FLSA which permits public employers to continue the practice of providing compensatory time in lieu of monetary payment for overtime

worked. The Board is not currently aware of any working conditions in the House of Representatives or the Senate which would require a different approach to the accrual and use of compensatory time than that applied to public employers and employees under the FLSA. However, there may be aspects of House or Senate operations which commentors may believe warrant a different approach.

Section 7(o) was incorporated into the FLSA as part of the Fair Labor Standards Amendments of 1985. The legislative history of those amendments reflects that the amendments "respond[ed] to [concerns of state and local governments] by adjusting certain FLSA principles with respect to employees of states and their political subdivisions." S. Rep. No. 159, 99th Cong., 1st Sess. 4 (1985), *reprinted in* 1985 U.S.C.C.A.N. 651, 655. In this regard there was a recognition that "the financial costs of coming into compliance with the FLSA—particularly the overtime provisions of section 7—[were] a matter of grave concern" and that "many state and local government employers and their employees voluntarily [had] worked out arrangements providing for compensatory time off in lieu of pay for hours worked beyond the normally scheduled work week. These arrangements . . . reflect[ed] mutually satisfactory solutions that [were] both fiscally and socially responsible. To the extent practicable, [Congress sought] to accommodate such arrangements". *Id.* at 8–9. In arriving at the maximum number of hours that could be accrued, the original Senate bill provided for a cap of 480 hours of compensatory time for all employees. The House proposed a cap of 180 hours for all employees except public safety employees, who would be permitted to accrual of 480 hours. The current provisions of section 7(o) were agreed to in conference. See H.R. CONF. Rep. No. 357, 99th Cong., 1st Sess. 8 (1985), *reprinted in* 1985 U.S.C.C.A.N. 669.

The Board invites comment on whether and to what extent Section 7(o) is an appropriate model for the Board's regulations. The Board also invites comment, if Section 7(o) does provide an appropriate model, on whether and to what extent the regulations, including the accrual and use of compensatory time off and the limits on the maximum number of hours that can be accrued, should vary from the provisions of section 7(o) of the FLSA.

Part B—Irregular Work Schedules: Section 1. For the purposes of this Part, a covered employee's work schedule "directly depends" on the schedule of the House of Representatives only if the employee's normal workweek arrangement requires that the employee be scheduled to work during the hours that the House or Senate is in session and the employee may not schedule vacation, personal or other leave or time off during those hours, absent emergencies and leaves mandated by law. A covered employee's schedule "directly depends" on the schedule of the House of Representatives or the Senate under the above definition regardless of the employee's schedule on days when the House or Senate is not in session.

Section 2. No employing office shall be deemed to have violated section 203(a)(1) of the CAA, which applies the protections of section 7(a)(1) of the Fair Labor Standards Act ("FLSA") to covered employees and employing offices, by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under section 7(a) of the FLSA if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the employee's work schedule directly depends on the schedule of the House of Representatives or the Senate within the meaning of Section 1, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (a) of section 6 of the FLSA and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek [currently 40 hours], and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates of pay so specified.

Section 3. Covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate within the meaning of Section 1 must be compensated for all hours worked in excess of the maximum workweek applicable to such employees at time-and-a-half either in pay or in time off, pursuant to the relevant collective bargaining agreement, employment agreement or understanding arrived at before the performance of the work. However, those employees employed under a contract or agreement under Section 2 may be compensated in time off only for hours worked in excess of the weekly guaranty. In the case of a covered employee hired prior to the effective date of this regulation, the regular practice in effect immediately prior to the effective date with respect to the grant of compensatory time off in lieu of the receipt of overtime compensation shall constitute an agreement or understanding for purposes of this section. A covered employee under this section may not accrue compensatory time in excess of 240 hours of compensatory time for hours worked, except that if the work of such employee for which compensatory time may be provided includes work in a public safety activity, an emergency response activity or seasonal activity, the employee may accrue not more than 480 hours of compensatory time. Any employee who has accrued the maximum hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. The employee shall be permitted by the employing office to use compensatory time within a reasonable period after making the request if the use of such time does not unduly disrupt the operations of the employing office.

An employee who has accrued compensatory time authorized by this Section shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than (A) the average regular rate received by such employee during the last 3 years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher.

Method of Approval:

The Board recommends that these regulations be approved by concurrent resolution as neither the House of Representatives nor the Senate has exclusive responsibility for the employing offices covered by these regulations.

Signed at Washington, DC, on this 10th day of October, 1995.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to the Congressional Accountability Act and the Extension of Rights and Protections under the Fair Labor Standards Act of 1938, as applied to interns and irregular work schedules in the Senate.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (INTERNS; IRREGULAR WORK SCHEDULES)

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed rules to implement section 203(a)(2) and 203(c)(3) of the Congressional Accountability Act (P.L. 104–1). The proposed regulations, which are to be applied to the Senate and employees of the Senate, set forth the recommendations of the Deputy Executive Director for the Senate, Office of Compliance, as approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this notice in the CONGRESSIONAL RECORD.

Addresses: Submit written comments to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, DC 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 252–3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Deputy Executive Director for the Senate, Office of Compliance at (202) 252–3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 244–2705.

Supplementary Information:

Background—General: The Congressional Accountability Act of 1995 ("CAA"), PL 104–1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 203(a) of the CAA applies the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938

(29 U.S.C. 206(a)(1) and (d), 207, 212(c) to covered employees and employing offices. Section 203(c) of the CAA directs the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement the section. Section 203(c)(2) further states that such regulations, with the exception of certain irregular work schedule regulations to be issued under section 203(a)(3), "shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Section 203(a)(2) of the CAA provides that "the term 'covered employee' [for the purpose of FLSA rights and protections] does not include an intern as defined in regulations. . ." issued by the Board pursuant to section 203(c).

Background: Part A—Interns: Part A of the proposed regulations defines the term "intern."

While there appears to be no definitive interpretation of the term "intern" for FLSA purposes in current Senate usage, in formulating its definition, the Board has consulted several Senate sources that use and define the term. For example, Interpretive Ruling No. 442 issued by the Senate Select Committee on Ethics on April 15, 1992, states that intern programs designed for the educational benefit of the participants are deemed to be "officially connected" expenses that are related to the performance of a Senator's official responsibilities and that the supervising Senator is responsible for determining if such program "is primarily for the benefit of the intern." Similarly, the Senate Edition of the *Congressional Handbook* (1994) ("Senate Handbook") states that "Interns may be employed on a temporary basis for a few weeks to several months. . .". (Senate Handbook at p. I-10) The proposed definition has drawn upon these sources. This proposed regulation is not intended to cover other similar job positions such as volunteers or fellows, nor does it cover pages.

Part A—Interns: Section 1. An intern is an individual who:

(a) is performing services in an employing office as part of the pursuit of the individual's educational objectives, and

(b) is appointed on a temporary basis for a period not to exceed one academic semester (including the period between semesters); provided that an intern may be reappointed for one succeeding temporary period.

Section 2. An intern for the purposes of section 203(a)(2) of the Act also includes an individual who is a senior citizen intern appointed under S.Res. 219 (May 5, 1978, as amended by S.Res. 96, April 9, 1991).

Background: Part B—Irregular Work Schedules: Section 203(c)(3) of the Act directs the Board to issue regulations for employees "whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions of the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules."

Section 7(f) of the Fair Labor Standards Act (29 U.S.C. 207(f)) provides that "No employer shall be deemed to have violated subsection (a) [requiring overtime pay after an employee has worked 40 hours in a workweek] by employing any employee in a workweek in excess of the maximum workweek applicable [currently 40 hours] if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work and the contract or agreement (1) specifies a regular rate of pay not less than the minimum provided in . . . section 6 [currently set at $4.25 per hour] . . . and compensation at not less than one and one-half times that rate for all hours worked in excess of such maximum workweek and (2) provides a weekly guarantee of pay for not more than sixty hours based on the rates so specified." Part B of the proposed regulations implements the provisions of section 203(a)(3) of the CAA by developing FLSA overtime pay requirements for employees of covered employing offices whose schedules directly depend on the schedule of the Senate.

The proposed regulation develops a standard for determining whether an individual's work schedule "directly depends" on the schedule of the Senate. In setting the remaining requirements for such employees, the proposed regulations adopt almost verbatim the requirements of sections 7(f) and 7(o) of the FLSA, (29 U.S.C. §§207(f) and (o)).

Section 203(a)(3) directs the Board to adopt regulations "comparable" to the irregular work provisions of the FLSA. Section 2 of the proposed regulation incorporates the provisions of section 7(f) of the FLSA. The Board has not proposed to vary the requirements of section 7(f) because the Board is not currently aware of any working conditions which would require modification of the requirements for covered employees who work irregular hours, as compared to employees who work irregular hours in the private sector. However, there may be aspects to the Senate's operations, such as very wide variations in weekly hours of work of some covered employees whose schedules directly depend on the schedule of the Senate or times when such employees may work a large number of overtime hours for extended periods, which commentors may believe would require a modification of the proposed regulation. Accordingly, the Board invites comments on whether the contracts or agreements referenced in Section 2 of the proposed regulation can or should be permitted to provide for a guaranty of pay for more than 60 hours and whether the terms and use of such contracts or agreements should differ in some other manner from those permitted in the private sector. The Board further invites comment on whether and to what extent the regulations in this subpart may and should vary in any other respect from the provisions of section 7(f) of the FLSA.

The Board also invites comment on whether this proposed regulation should be considered the sole irregular work schedule provision applicable to covered employees or whether, in addition, section 203 of the CAA applies the irregular hours provision of section 7(f) of the FLSA with respect to covered employees whose work schedules do not directly depend on the schedule of the House or Senate.

Pursuant to section 203(a)(3) of the CAA, the proposed regulation also authorizes employing offices to compensate covered employees with compensatory time off in lieu of overtime compensation where such employees' work schedules meet the irregular schedule definition of Section 1 of the proposed regulation. The Secretary of Labor has not promulgated regulations regarding the receipt of compensatory time in lieu of overtime compensation by employees who work irregular work schedules and no comparable authority exists for employees covered by the FLSA in the private sector to accrue compensatory time in lieu of paid overtime. The proposed regulation's terms regarding compensatory time are derived from the provisions of section 7(o) of the FLSA which permits public employers to continue the practice of providing compensatory time in lieu of monetary payment for overtime worked. The Board is not currently aware of any working conditions in the Senate which would require a different approach to the accrual and use of compensatory time than that applied to public employers and employees under the FLSA. However, there may be aspects of the Senate's operations which commentors may believe warrant a different approach.

Section 7(o) was incorporated into the FLSA as part of the Fair Labor Standards Amendments of 1985. The legislative history of those amendments reflects that the amendments "respond[ed] to [concerns of state and local governments] by adjusting certain FLSA principles with respect to employees of states and their political subdivisions." S. Rep. No. 159, 99th Cong., 1st Sess. 4 (1985), *reprinted in* 1985 U.S.C.C.A.N. 651, 655. In this regard there was a recognition that "the financial costs of coming into compliance with the FLSA—particularly the overtime provisions of section 7—[were] a matter of grave concern " and that "many state and local government employers and their employees voluntarily [had] worked out arrangements providing for compensatory time off in lieu of pay for hours worked beyond the normally scheduled work week. These arrangements . . . reflect[ed] mutually satisfactory solutions that [were] both fiscally and socially responsible. To the extent practicable, [Congress sought] to accommodate such arrangements". *Id.* at 8-9. In arriving at the maximum number of hours that could be accrued, the original Senate bill provided for a cap of 480 hours of compensatory time for all employees. The House proposed a cap of 180 hours for all employees except public safety employees, who would be permitted to accrual 480 hours. The current provisions of section 7(o) were agreed to in conference. See H.R. CONF. Rep. No. 357, 99th Cong., 1st Sess. 8 (1985), *reprinted in* 1985 U.S.C.C.A.N. 669.

The Board invites comment on whether and to what extent Section 7(o) is an appropriate model for the Board's regulations. The Board also invites comment, if Section 7(o) does provide an appropriate model, on whether and to what extent the regulations, including the accrual and use of compensatory time off and the limits on the maximum number of hours that can be accrued, should vary from the provisions of section 7(o) of the FLSA.

Part B—Irregular Work Schedules: Section 1. For the purposes of this Part, a covered employee's work schedule "directly depends" on the schedule of the Senate only if the employee's normal workweek arrangement requires that the employee be scheduled to work during the hours that the Senate is in session and the employee may not schedule vacation, personal or other leave or time off during those hours, absent emergencies and leaves mandated by law. A covered employee's schedule "directly depends" on the schedule of the Senate under the above definition regardless of the employee's schedule on days when the Senate is not in session.

Section 2. No employing office shall be deemed to have violated section 203(a)(1) of the CAA, which applies the protections of

section 7(a)(1) of the Fair Labor Standards Act ("FLSA") to covered employees and employing offices, by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under section 7(a) of the FLSA if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the employee's work schedule directly depends on the schedule of the Senate within the meaning of Section 1, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (a) of section 6 of the FLSA and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek [currently 40 hours], and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates of pay so specified.

Section 3. Covered employees whose work schedules directly depend on the schedule of the Senate within the meaning of Section 1 must be compensated for all hours worked in excess of the maximum workweek applicable to such employees at time-and-a-half either in pay or in time off, pursuant to the relevant collective bargaining agreement, employment agreement or understanding arrived at before the performance of the work. However, those employees employed under a contract or agreement under Section 2 may be compensated in time off only for hours worked in excess of the weekly guaranty. In the case of a covered employee hired prior to the effective date of this regulation, the regular practice in effect immediately prior to the effective date with respect to the grant of compensatory time off in lieu of the receipt of overtime compensation shall constitute an agreement or understanding for purposes of this section. A covered employee under this section may not accrue compensatory time in excess of 240 hours of compensatory time for hours worked, except that if the work of such employee for which compensatory time may be provided includes work in a public safety activity, an emergency response activity or seasonal activity, the employee may accrue not more than 480 hours of compensatory time. Any employee who has accrued the maximum hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. The employee shall be permitted by the employing office to use compensatory time within a reasonable period after making the request if the use of such time does not unduly disrupt the operations of the employing office.

An employee who has accrued compensatory time authorized by this Section shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than (A) the average regular rate received by such employee during the last 3 years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher.

Method of Approval:

The Board recommends that these regulations be approved by resolution of the Senate.

Signed at Washington, DC, on this 10th day of October, 1995.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON HAZARDOUS MATERIALS TRANSPORTATION FOR CALENDAR YEARS 1992–93—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

In accordance with Public Law 103–272, as amended (49 U.S.C. 5121(e)), I transmit herewith the Biennial Report on Hazardous Materials Transportation for Calendar Years 1992–1993 of the Department of Transportation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 11, 1995.*

MESSAGES FROM THE HOUSE

At 4 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. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

H.R. 1384. An act to amend title 38, United States Code, to exempt certain full-time health-care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities.

H.R. 1536. An act to amend title 38, United States Code, to extend for 2 years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs.

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1384. An act to amend title 38, United States Code, to exempt certain full-time health-care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

H.R. 1536. An act to amend title 38, United States Code, to extend for 2 years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

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–1475. A communication from the Secretary of Agriculture, transmitting, the report on programs, policies, and initiatives which facilitate fathers' involvement in their children's lives; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1476. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–08; to the Committee on Appropriations.

EC–1477. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–14; to the Committee on Appropriations.

EC–1478. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a description of the property to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and its related agreements; to the Committee on Armed Services.

EC–1479. A communication from the Secretary of Housing and Urban Development, transmitting, the report summary entitled, "Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing"; to the Committee on Banking, Housing, and Urban Affairs.

EC–1480. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC–1481. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving the combined-cycle power generation facility in Mexico; to the Committee on Banking, Housing and Urban Affairs.

EC–1482. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to Pakistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–1483. A communication from the Chairman of Federal Finance Board, transmitting, pursuant to law, the report on low-income housing and community development activities of the federal home loan bank system for

1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-1484. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on the credit advertising rules under the Truth in Lending Act; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-319. A resolution adopted by the Western States Land Commissioners Associations relative to federal royalty collections; to the Committee on Energy and Natural Resources.

POM-320. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

"HOUSE JOINT RESOLUTION NO. 13

"Whereas in Sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

"Whereas the oil industry, the state, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

"Whereas the residents of the North Slope Borough, within which the coastal plain is located, are supportive of development in the '1002 study area'; and

"Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

"Whereas, for the first year ever, more than one-half of the oil used in the United States has come from foreign sources as domestic crude oil production fell to 6,600,000 barrels per day, its lowest annual level since 1954; and

"Whereas development of oil at Prudhoe Bay, Kuparuk, Endicott, Lisburne, and Milne Point has resulted in thousands of jobs throughout the United States and projected job creation as a result of coastal plain oil development will have a positive effect in all 50 states; and

"Whereas Prudhoe Bay production is declining by approximately 10 percent a year; and

"Whereas opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development, and national security review; and

"Whereas the oil and gas industry and related Alaskan employment have been severely affected by reduced oil and gas activity, and the reduction in industry investment and employment has broad implications for the Alaskan work force and the entire state economy; and

"Whereas the 1,500,000-acre coastal plain of the refuge comprises only eight percent of the 19,000,000-acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of only 5,000 to 7,000 acres, which is one and one-half percent of the area of the coastal plain; and

"Whereas 8,000,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; and

"Whereas the oil industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it can safely conduct oil and gas activity without adversely affecting the environment or wildlife populations; be it

"*Resolved by the Alaska State Legislature*, That the Congress of the United States is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production; and be it further

"*Resolved*, That that activity be conducted in a manner that protects the environment and uses the state's work force to the maximum extent possible."

POM-321. A resolution adopted by the Council of the City of West Branch, Michigan relative to waste; to the Committee on Environment and Public Works.

POM-322. A resolution adopted by the Council of the City of Warren, Ohio relative to traffic control devices; to the Committee on Environment and Public Works.

POM-323. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"JOINT RESOLUTION NO. 15

"Whereas, due to chronic failures of the sewage system that serves the City of Tijuana, in Baja California, Mexico, large amounts of untreated wastewater flow into the Tijuana River and its tributaries and across the international border into the San Diego area of this state; and

"Whereas, the flows of untreated wastewater often contain toxic contaminants because Mexico does not require the pretreatment of industrial waste and thus pose a threat to both public health and the ecosystems of the Tijuana River estuary and beaches located near the mouth of the river; and

"Whereas, to address those issues, in July, 1990, the federal government and the Mexican government signed Minute 283, calling for a conceptual plan for an international solution to the border sanitation problem in San Diego, California and Tijuana, Baja California; and

"Whereas, the two governments agreed in Minute 283 to the creation of an international wastewater treatment plant, to be constructed on the southwest bank of the Tijuana River on the United States side of the border, that will be capable of treating twenty-five million gallons of untreated wastewater per day and is to be funded and supervised by both the United States and Mexico, through the United States section of the International Boundary and Water Commission; Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to move with all deliberate speed, and take all necessary steps, to complete the construction of the International Wastewater Treatment Plant on the Tijuana River near San Diego as soon as possible; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-324. A joint resolution adopted by the Legislation of the State of Nevada; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 23

"Whereas, in 1977, the Congress of the United States amended the Clean Air Act for the purpose of correcting and preventing the continued deterioration of visibility in large national parks and wilderness areas resulting from the pollution of the air; and

"Whereas, this amendment did not provide adequate resources to carry out its provisions and targeted only a few of the major types of sources of the pollution affecting visibility; and

"Whereas, as a result, the Federal Government and the individual states were extremely slow in developing an effective program to reduce air pollution in these areas; and

"Whereas, the two emission control programs specifically concerned with visibility in national parks and wilderness areas include the program for Prevention of Significant Deterioration of Air Quality, which is directed mainly at new sources of pollution and a program visibility protection which is primarily aimed at existing sources of pollution; and

"Whereas, the program for Prevention of Significant Deterioration of Air Quality requires that each new or enlarged "major emitting facility" locating near large national parks or wilderness areas install the "best available control technology," establish increments (allowable increases) that limit cumulative increase in levels of pollution in clear air areas and to some extent, have protected visibility by reducing the growth of emissions that contribute to regional haze; and

"Whereas, in 1990, the United States General Accounting Office issued a report which discussed some of the shortcomings of the program for Prevention of Significant Deterioration of Air Quality; and

"Whereas, this report indicated that federal land managers had failed to meet their responsibilities because of a lack of allocated time, personnel and data, and because the United States Environmental Protection Agency had failed to forward applications for permits; and

"Whereas, the report indicated that many sources of air pollution in national parks and wilderness areas are exempt from the requirements of the program for Prevention of Significant Deterioration of Air Quality because they are considered minor sources or because they existed before the program for Prevention of Significant Deterioration of Air Quality took effect; and

"Whereas, the other program for visibility protection, established by the amendments to the Clean Air Act of 1977, directs states to establish measures to achieve "reasonable progress" toward the national visibility goal and to require the installation of the "best available retrofit technology" on large source contributing to air pollution at major national parks and wildlife areas; and

"Whereas, in 1980, the Environmental Protection Agency issued rules to control air pollution caused by visible plumes from nearby individual sources and express its intention to regulate regional haze to some future date "when improvement in monitoring techniques provides more data on source-specific levels of visibility impairment, regional

scale-models become more refined, and scientific knowledge about the relationships between air pollutants and visibility improves"; and

"Whereas, to date, the Environmental Protection Agency has not proposed rules for the regulation of regional haze, but has required only regulation of air pollution that is attributable to individual sources through the use of simple techniques, and in the past 14 years only one source of pollution has been required to control its emissions pursuant to this program; and

"Whereas, it is evident that the Environmental protection Agency has not been required to enforce the visibility provisions of the federal law and this failure should be addressed before any new legislation is passed which penalizes a regional area; and

"Whereas, in 1990, the Clean Air Act was once again amended to include numerous new statutes and amendments to existing statutes which called for more regulation of air quality for the purpose of providing continued and expanded efforts to improve air quality; and

"Whereas, the amendment added Section 169B which provided the mechanism for the Administrator of the Environmental Protection Agency to establish visibility transport regions and visibility transport commissions; and

"Whereas, that section specifically created The Grand Canyon Visibility Transport Commission which is required to prepare and submit to the Administrator of the Environmental protection Agency by November 15, 1995, a report recommending what measures, if any, should be taken pursuant to the Clean Air Act to address adverse impacts on visibility from potential or projected growth in emissions in the region; and

"Whereas, the report will also discuss the establishment of clean air corridors in which additional restrictions in emissions may be appropriate to protect visibility in affected areas, the imposition of the requirements of the program for Prevention of Significant Deterioration of Air Quality which affect the construction of new or modified major stationary sources in those clean air corridors, the alternative siting analysis provisions as provided in the Clean Air Act, the imposition of nonattainment status requirements within clean air corridors and the adoption of regulations to provide long-range strategies for addressing regional haze which impairs visibility in affected areas; and

"Whereas, a total of $8,000,000 per year for 5 years was authorized for appropriation to the Environmental Protection Agency and other federal agencies to conduct research to identify and evaluate sources and source regions of air pollution as well as regions that provide predominantly clean air to national parks and wilderness areas, but it does not appear that the Environmental Protection Agency has requested or received such an appropriation; and

"Whereas, with the exception of minor federal funding, the Grand Canyon Visibility Transport Commission is an unfunded mandate, and to date, most of the work which has been done pursuant to the mandate is the result of efforts made by state governments, industries and conservation groups; and

"Whereas, for these reasons, the amendments to the Clean Air Act adopted in 1990, including Section 169B, have not been fully implemented and allowed sufficient time to produce their desired effect; and

"Whereas, certain scientific studies, assessments and inventories have shown that air quality in the Intermountain West Region continues to improve even though the amendments adopted in 1990 have not been fully implemented; and

"Whereas, the clean air corridor concept may result in a severe restraint on population growth and economic development in the western states, a result which was not intentional when Congress passed Section 169B of the Clean Air Act whereby the cleanest air in the nation, with the best visibility, may be managed by the Environmental Protection Agency as the dirtiest; and

"Whereas, the Nevada Legislature has grave concerns about the consequences of the recommendations which may be made by the Grand Canyon Visibility Transport Commission to the Administrator of the Environmental Protection Agency because of previously stated facts involving the federal regulation of visibility; Now, therefore, be it

"*Resolved, by the Senate and Assembly of the State of Nevada, jointly*, That Congress is hereby urged to refrain from adopting additional statutes and the Environmental Protection Agency is hereby urged to refrain from adopting additional regulations which regulate air quality and visibility until the amendments to the Clean Air Act adopted in 1990 and the regulations adopted thereunder have been fully implemented and allowed sufficient time to produce their intended results; and be it further

"*Resolved*, That as part of its oversight of the regulatory program, Congress is hereby urged to resist proposals such as clean air corridors, the imposition of nonattainment status requirements within clean air corridors and the imposition of no-build provisions within a transport region that are not equitable to all states; and be it further

"*Resolved*, That Congress is hereby urged to support proposals that are equitable, such as the uniform application of the existing provisions of the program for Prevention of Significant Deterioration of Air Quality in the Clean Air Act and the imposition or addition of more stringent controls on existing sources of air pollution and visibility impairment; and be it further

"*Resolved*, That the Environmental Protection Agency and any other federal agency that regulates air quality are hereby urged to base any future regulations related to air quality and visibility on clear scientific evidence which is reviewed and confirmed by others within the scientific community; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Administrator of the Environmental Protection Agency; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-325. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 20

"Whereas, the present interstate highway system in the United States will be inadequate to meet the needs of local and interstate commerce in the 21st century; and

"Whereas, the Secretary of Transportation has submitted a proposal to Congress for the designation of the National Highway System; and

"Whereas, more than $6.5 billion in federal funding for highways will not be allocated to the states unless the designation of the National Highway System is approved by Congress not later than September 30, 1995; and

"Whereas, the National Highway System will consist of a network of highways which are vitally important to the strategic defense policy of the United States; and

"Whereas, the National Highway System will reduce traffic congestion which presently costs travelers approximately $1 billion each year in lost productivity in each of the nation's eight largest metropolitan areas; and

"Whereas, the National Highway System will connect important urban areas which are not presently served by an interstate highway; and

"Whereas, the National Highway System will benefit consumers by reducing the cost of transporting goods within the United States; and

"Whereas, the National Highway System will include the entire 545 miles of the interstate highway system in Nevada; and

"Whereas, although only 4.7 percent of the highways in Nevada will be included in the National Highway System, those highways will account for approximately 66 percent of the motor vehicle traffic in Nevada; and

"Whereas, the National Highway System will improve access for visitors to such destinations as Lake Tahoe, Lake Mead and Jackpot, Nevada; Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Nevada Legislature hereby urges Congress to approve the designation of the National Highway System; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-326. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 22

"Whereas, in 1984, Congress enacted Public Law 98-381 which appropriated $77,000,000, calculated at 1983 price levels, for a program to increase the generation capacity of the power plant at Hoover Dam and for a visitor facilities program to improve the parking, visitor facilities and roadways at Hoover Dam; and

"Whereas, although Public Law 98-381 does not specify the amount of the appropriation to be spent on the respective programs, the Senate Report of the Committee on Energy and Natural Resources (S. Rep. No. 98-137, 98th Congress, 1st Session (1983), at page 14) indicates that $32,000,000 would be needed for the visitor facilities program; and

"Whereas, appropriations made for the visitor facilities program are to be repaid with interest when the program is substantially completed from revenue received from the sale of power at the Hoover Dam power plant; and

"Whereas, as of the end of the 1994 federal fiscal year, approximately $120,000,000 has been expended on the visitor facilities program; and

"Whereas, as of May 1995, the visitor facilities program is not complete and additional money will be necessary to complete the program: Now, therefore, be it

"*Resolved, by the Senate and Assembly of the State of Nevada, jointly*, That the Nevada Legislature urges Congress to investigate the

costs incurred for the visitor facilities program at Hoover Dam which are in addition to the amount originally appropriated by Congress for the program; and be it further

"*Resolved*, That the Nevada Legislature urges Congress to direct the Bureau of Reclamation of the United States Department of the Interior to develop alternative sources of funding to pay the costs incurred for the visitor facilities program at Hoover Dam which are in addition to the amount originally estimated for the program of $32,000,000; and be it further

"*Resolved*, That the Secretary of the Senate of the State of Nevada prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-327. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION

"Whereas, in 1991 the Congress of the United States established a 65-mile-per-hour speed limit on rural sections of interstate highways, recognizing recent advancements in road and automobile technology as well as the increased need for rapid road transportation in today's competitive global economy; and

"Whereas, current federal law continues, however, to restrict the ability of states to adopt this standard for divided four-lane highways of comparable design and quality; and

"Whereas, within the borders of Texas, most national and state highways traverse broad expanses of rural countryside and, with few intersections or potential traffic hazards, are ideally suited for higher speed travel than is currently permitted by federal law; and

"Whereas, higher speed limits are essential for promoting rapid ground travel in rural areas of Texas, many of which are not served by rail, air, or any other mode of transportation; moreover, the 55-mile-per-hour speed limit places a disproportionate burden on this state's rural residents, who often must travel great distances for work, shopping, medical care, and other basic necessities; and

"Whereas, responding to the special needs of rural communities, the Texas Legislature has enacted a statute that will raise the speed limit on divided four-lane highways as soon as federal law permits; and

"Whereas, the State of Texas can best determine maximum speed limits most appropriate to its unique geography, to its vast rural highway system, and to the needs of its citizens: Now, therefore, be it

"*Resolved*, That the 74th Legislature of the State of Texas hereby urge the Congress of the United States to allow states to establish a 65-mile-per-hour speed limit for rural sections of divided four-lane highways; and, be it further

"*Resolved*, That the Texas secretary of state forward official copies of this resolution to the United States secretary of transportation, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas congressional delegation with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1309. An original bill to reauthorize the tied aid credit program of the Export-Import Bank of the United States, and to allow the Export-Import Bank to conduct a demonstration project (Rept. No. 104-154).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1048. A bill to authorize appropriations for fiscal year 1996 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and inspector general; and for other purposes (Rept. No. 104-155).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation for the remainder of the term expiring February 24, 1996.

Derrick L. Forrister, of Tennessee, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Eluid Levi Martinez, of New Mexico, to be Commissioner of Reclamation.

Patricia J. Beneke, of Iowa, to be an Assistant Secretary of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1308. A bill to amend chapter 73 of title 31, United States Code, to provide for performance standards for block grant programs, and for other purposes; to the Committee on Governmental Affairs.

By Mr. D'AMATO:

S. 1309. An original bill to reauthorize the tied aid credit program of the Export-Import Bank of the United States, and to allow the Export-Import Bank to conduct a demonstration project; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. KERRY:

S. 1310. A bill to amend the Internal Revenue Code of 1986 to expand the availability of individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. BRADLEY):

S. 1311. A bill to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 1312. A bill to amend the Internal Revenue Code of 1986 to assist in the financing of education expenses for the middle class; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1313. A bill to amend the Internal Revenue Code of 1986 to permit Indian tribal governments to maintain section 401(k) plans for their employees; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRADLEY (for himself, Mr. HATCH, Mr. COHEN, Mr. ROCKEFELLER, Mr. SPECTER, Mrs. MURRAY, and Mrs. FEINSTEIN):

S. Res. 180. A resolution proclaiming October 15, 1995, through October 21, 1995, as the "Week Without Violence", and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1308. A bill to amend chapter 73 of title 31, United States Code, to provide for performance standards for block grant programs, and for other purposes; to the Committee on Governmental Affairs.

THE BLOCK GRANT PERFORMANCE STANDARDS ACT

Mr. BINGAMAN. Mr. President, I introduce the Block Grant Performance Standards Act of 1995. This legislation is intended to provide a minimum set of performance standards for all block grants allocating Federal funds to States, localities, and other recipients.

In the 104th Congress, we have seen a movement toward block grants. The idea behind this movement is that we have too many programs providing funding to other levels of government, and that these programs involve too much paperwork. This reasoning leads to the conclusion that if we bundle these programs into broader block grants, we will release other levels of government to better allocate these resources without wasting time and money filling out paperwork bound for bureaucrats in Washington.

Mr. President, I agree that in many cases some of this reasoning is correct. To the extent possible, we should try to reduce paperwork and increase flexibility for State and local governments receiving Federal funds. I believe, however, that in creating block grants we

must be responsible to taxpayers and resist the temptation to simply turn over blank checks to other levels of government. As the elected officials at the Federal level, I believe that we must set up minimal performance standards for the block grants we provide.

I am pleased that some of the block grants we are creating do have accountability built in. The Chair of the Senate Committee on Labor and Human Resources, Senator KASSEBAUM, for example, has done an admirable job of including planning and performance standards for the States' administration of the job training block grants anticipated by S. 143, now before the Senate. I was successful in attaching an amendment to the welfare reform bill approved by the Senate that will provide similar accountability.

The legislation I am introducing today is intended to provide accountability standards for all block grant programs. It requires entities receiving block grants to submit a plan to the agency administrating the grant program that outlines the goals of the entity for the use of the Federal funds, a description of how the goals will be achieved, and a discussion of performance indicators that will be used to measure progress toward those goals. It also ensures public participation in the development of this plan through the creation of appropriate community advisory committees. Finally, it provides for the provision of penalties for entities receiving block grants who consistently do not meet the goals they set for themselves in their block grant plans over a period of 2 years.

Mr. President, I believe that this legislation strikes the right balance in ensuring that we meet our fiduciary responsibilities to Federal taxpayers and our desire to provide maximum flexibility to entities receiving block grants. It builds on the work of others, including Senator ROTH, the sponsor of the Government Performance and Results Act of 1993, Public Law 103-62, which set similar performance standards for the Federal Government; and David Osborne, who has written on the need to develop performance standards for government. It also draws on the work of Senator HATFIELD and his legislation to implement flexibility within current programs: S. 88, the Local Empowerment and Flexibility Act of 1995.

Mr. President, I ask unanimous consent that the text of the bill and an article be printed in the RECORD.

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

S. 1308

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 "Block Grant Performance Standards Act of 1995".

SEC. 2. ADMINISTRATION OF BLOCK GRANTS.

Chapter 73 of title 31, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—CONDITIONS APPLICABLE TO BLOCK GRANTS

"§ 7321. Purposes

"The purposes of this subchapter are to—

"(1) enable more efficient use of Federal, State, and local resources;

"(2) establish accountability for achieving the purposes of block grant programs; and

"(3) establish effective partnerships to address critical issues of public interest.

"§ 7322. Definitions

"For purposes of this subchapter, the term—

"(1) 'block grant program' means a program in which Federal funds are directly allocated to States, localities, or other recipients for use at the discretion of such States, localities, or recipients in meeting stated Federal purposes.; and

"(2) 'plan' means a block grant strategic plan described under section 7324.

"§ 7323. Requirement of approved block grant strategic plans

"No payment may be paid under any block grant program to any eligible entity unless such entity has submitted and received approval for a plan.

"§ 7324. Block grant strategic plans

"The head of an agency administering a block grant program shall designate the criteria that shall be included in a block grant strategic plan. At a minimum, each plan shall contain—

"(1) a description of goals and objectives, including outcome related goals and objectives for each of the designated program activities for each of the first 6 fiscal years of the plan;

"(2) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information and other objectives required to meet the goals and objectives for the current fiscal year;

"(3) a description of performance indicators to be used in measuring or assessing the relevant output service levels and outcomes of each of the mandatory program activities; and

"(4) a description of the program evaluation to be used in comparing actual results with established goals and objectives, and the designation of results as highly successful or failing to meet the goals and objectives of the program.

"§ 7325. Review and approval of block grant strategic plans

"After receipt of a plan, the head of an agency shall—

"(1) no later than 90 days after the receipt of the application, approve or disapprove all or part of the plan;

"(2) no later than 15 days after the date of such approval or disapproval, notify the applicant in writing of the approval or disapproval; and

"(3) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the written notice of disapproval.

"§ 7326. Community advisory committees

"(a) An entity applying for a block grant shall establish a community advisory committee in accordance with this section.

"(b) A community advisory committee shall advise an applicant in the development and implementation of a plan, including advice with respect to—

"(1) conducting public hearings; and

"(2) receiving comment and reviews from communities affected by the plan.

"(c) Membership of the community advisory committee shall include—

"(1) persons with leadership experience in private business and voluntary organizations;

"(2) elected officials representing jurisdictions included in the plan;

"(3) representatives of participating qualified organizations;

"(4) the general public; and

"(5) individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a plan.

"(d) Before submitting an application for approval, or any reports required as a condition of receiving any payment under a block grant program, the applicant shall submit such application or report to the community advisory committee for review and comment. Any comments of the committee shall be submitted with the application or report to the head of an agency.

"§ 7327. Technical and other assistance

"The head of an agency administering a block grant program may provide technical assistance to applicants for block grants in developing information necessary for the design or implementation of a plan.

"§ 7328. Conditional termination or alteration of block grant strategic plan

"(a) The head of an agency administering a block grant program shall establish procedures by regulation for implementing penalties of not less than 5 percent of the grant a recipient would otherwise receive for failing to meet the goals and objectives included in the plan for a block grant.

"(b) The head of an agency shall establish procedures by regulation for—

"(1) suspending the grant a recipient would otherwise receive for a period of 3 years for failure for 2 consecutive years to meet the goals and objectives included in the plan for a block grant; and

"(2) reallocating the amount of the grant a recipient would otherwise receive to other governmental or nonprofit institutions within the plan.

"§ 7329. Administration with other conditions of block grant programs

"The provisions of this subchapter (including all conditions and requirements) shall supersede any other provision of law relating to the administration of any block grant program only to the extent of any inconsistency with such other provision.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—Chapter 73 of title 31, United States Code, is amended by striking out the chapter heading and the table of sections and inserting in lieu thereof the following:

"CHAPTER 73—ADMINISTERING BLOCK GRANTS

"SUBCHAPTER I—BLOCK GRANT AMOUNTS

"Sec.
"7301. Purpose.
"7302. Definitions.
"7303. Reports and public hearings on proposed uses of amounts.
"7304. Availability of records.
"7305. State auditing requirements.

"SUBCHAPTER II—CONDITIONS APPLICABLE TO BLOCK GRANTS

"7321. Purposes.

"7322. Definitions.
"7323. Requirement of approved block grant strategic plans.
"7324. Block grant strategic plans.
"7325. Review and approval of block grant strategic plans.
"7326. Community advisory committees.
"7327. Technical and other assistance.
"7328. Conditional termination or alteration of block grant strategic plan.
"7329. Administration with other conditions of block grant programs.

"SUBCHAPTER I—BLOCK GRANT AMOUNTS".

(b) CHAPTER REFERENCES.—Chapter 73 of title 31, United States Code, is amended—

(1) in section 7301 in the matter preceding paragraph (1) by striking out "chapter" and inserting in lieu thereof "subchapter"; and

(2) in section 7302 in the matter preceding paragraph (1) by striking out "chapter" and inserting in lieu thereof "subchapter".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on October 1, 1997, and shall apply to payments under block grant programs on and after such date.

[From the Washington Post, June 1, 1995]

A FEDERAL CHALLENGE FOR LOCAL INGENUITY

(By David Osborne)

In the new Republican Congress, block grants are breaking out all over. And heaven knows, they're superior to narrow categorical grants. But as the time for decisions draws near, it's worth stopping for a moment to ask: Are block grants the best we can do?

There is one simple idea missing from the block grant debate of 1995. It's called accountability for results. In their heat to downsize the federal government, the Republicans may miss the best opportunity in a generation to create a federalism that works.

We all know that the current federal system, with its 550-plus categorical grant programs, is a mess. We also know from every poll on the issue that the public supports devotion of responsibilities to state and local governments.

What we don't know is that block grants are the best solution.

Congress's inability to resist creating new categorical grant programs—they sprout up almost like weeds in a garden—has been a problem since the 1960s. By 1991 Congress funded almost 100 social service grant programs, more than 80 health care grant programs and close to 30 grant programs that dealt with housing or development in poor communities.

Many of these were for absurdly small amounts—$3 million or $4 million nationally. More than half of the Education Department's 90-odd programs were for less than $15 million.

When one department administers so many tiny grant programs, something is wrong. Thousands of public employees, in Washington and in state and local governments, spend countless hours publicizing programs, writing and reviewing grant applications, reporting on how money was spent and audited. Billions of dollars go to the professionals and bureaucrats who do this, rather than the intended recipients: students, poor people, urban residents and the unemployed.

For 25 years, the knee-jerk response has been the block grant, which consolidates many categorical grant programs into one grant with—at least theoretically—few strings attached.

There is just one problem with this. Block grants are blind to performance. They shower as much money on wasteful, ineffective programs as they do on innovative, cost-effective approaches.

We need a third way: block grants in which state and local governments compete in part based on the results they achieve. This kind of model has become common at the state level. Pennsylvania's highly regarded Ben Franklin Partnership, for instance, invented what it calls "challenge grants" to fund local economic development centers.

The concept is simple, and Congress would be wise to adopt it. Consider the idea of a community development challenge grant, administered by the Department of Housing and Urban Development. Under this approach, the federal government would establish broad guidelines, objectives and performance measures. State and/or local governments would then compete for challenge grants based on three criteria:

Need: This could be determined by a community's unemployment rate, poverty rate and median income.

Quality of strategy: Does the proposed strategy leverage private sector involvement? Does it empower communities to solve more of their own problems? Does it encourage competition and choice? Does it measure and reward results?

Results: The federal government would measure the number of jobs created, changes in the poverty and unemployment rates, job placement rates, private investment leveraged, changes in indicators of family health, incidence of graft or corruption and so on.

The higher a government ranked on these criteria, the more funding it would receive. Eventually, only two criteria would be necessary: need and results. Until data on results build up, however, HUD could use quality criteria to drive state and local governments toward strategies that have proven more effective than traditional service delivery by public bureaucracies.

This approach would cause states and localities to attack the problems federal programs are designed to solve, without dictating the approaches they use. It would tap state and local ingenuity without abandoning federal responsibility.

By setting goals, measuring outcomes and rewarding success, challenged grants would push lower levels of governments to come up with strategies that worked. Local entities could focus on their own areas of greatest need and craft their own initiatives, without micromanagement from above. They could not, however, continue to collect their full grants without producing results.

The Clinton administration is already testing a version of this model through its "Oregon Option"—a performance-based contract between the state and several federal departments, first proposed last year by the Alliance for Redesigning Government. HUD Secretary Henry Cisneros has also proposed three performance-based block grants. Yet few Republicans in Congress are listening.

The Republicans' impulse to hand money to the states regardless of their performance is particularly ironic given the public's intense demand for more efficient and effective government. Remember, this is federal money, raised through federal taxes to attack national problems that state and local governments will never solve on their own.

It is easy to wax poetic about the virtues of state government. But as the author of a book on the subject, "Laboratories of Democracy," I feel compelled to inject some reality.

State and local romantics often forget one fact: States, cities and counties must compete to keep their taxes low, lest they drive businesses and wealthy residents away. This is why no state has ever made a sustained investment in combating poverty or creating a viable training system. It is also why no state save Hawaii—separated by thousands of miles of ocean from its neighbors—has ever funded universal health insurance.

It is equally ironic that Congress wants to give block grants only to the states. The fact that current proposals ignore local governments is perhaps the most obvious sign of how little thinking their authors have done.

Again, a dose of reality: The typical state bureaucracy performs a little better than the typical federal bureaucracy—but not much. Most of the real improvement in performance over the past two decades has come at the local level. In addition, most public services are provided by local governments, not state governments. And the level of government Americans trust most is—you guessed it—local government.

If Congress wants to make government work better and cost less, it will control its jerking knee and craft challenge grants aimed at both state and local governments. If it simply wants to make the federal government smaller, it will create block grants for the states. The choice will be revealing.

By Mr. KERRY

S. 1310. A bill to amend the Internal Revenue Code of 1986 to expand the availability of individual retirement accounts, and for other purposes; to the Committee on Finance.

THE SAVINGS AND INVESTMENT INCENTIVE ACT OF 1995

• Mr. KERRY. Mr. President, in these difficult budgetary times we not only have a fiscal deficit that we must address, but we also have a savings deficit in this country that requires creative and innovative approaches to helping people save and plan for their retirements.

That is why I am offering the Savings and Investment Incentive Act of 1995 which will expand deductible IRA's, create a special nondeductible IRA program, allow penalty-free withdrawals for specific reasons; and it appeals to our sense of fairness by targeting the middle class.

What does this mean? It means that any individual who is not an active participant in an employee-sponsored plan would be eligible for a deductible IRA, regardless of income.

It means that income levels for participants in the IRA program would be doubled for those who participate in employer-provided pension plans.

It means that all middle-income Americans who earn up to $50,000, and couples who earn up to $80,000, indexed for inflation, could fully deduct IRA contributions.

It means that people eligible for traditional IRAs could now set up a special IRA that would provide a new saving vehicle that encourages middle-income Americans to save by allowing an incentive tax-free withdrawal without draining the Treasury.

I did cosponsor, along with 60 of my colleagues, a more ambitious proposal authored by my friend from Delaware,

Senator ROTH, and my friend from Louisiana, Senator BREAUX, but, given our budgetary constraints, I respectfully suggest that this bill is, perhaps, more realistic.

While contributions to the new special IRA's, under this proposal, would not be deductible, if funds remain in the account for at least 5 years withdrawals would be tax free. Individuals in the upper end of the new income brackets would be able to convert balances in their traditional deductible IRA accounts to the "Special IRA" accounts without being subject to penalty.

The amount transferred from the existing contribution-deductible IRA to the special IRA would be subject to ordinary income tax in the year of the transfer.

But, this legislation recognizes people's real needs in the real world. Under this plan withdrawals of earnings for the "Special IRA's" within 5 years would be subject to ordinary income tax and a 10-percent penalty unless the withdrawals are for education expenses, a first-time home purchase, unemployment, or medical care.

Mr. President, we need to invest more. We need to save more. We need to be fair and recognize the difficult economic times that middle-class Americans are suffering. We need to help them save for their future and find innovative creative ways to do it.

This bill has the approval of the Treasury Department and does everything the Roth-Breaux "Super-IRA" proposal does in a way that does not inflate the deficit.

I believe, Mr. President, that the Savings and Investment Incentive Act of 1995 is a moderate, fair, commonsense approach that doubles the income levels for participation; allows non penalty deductions for a variety of real life situations; and it will work for working Americans without busting the Treasury.

Mr. President, I ask unanimous consent that the bill appear in the RECORD.

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

S. 1310

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Savings and Investment Incentive Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—RETIREMENT SAVINGS INCENTIVES

Subtitle A—IRA Deduction

SEC. 101. INCREASE IN INCOME LIMITATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 219(g)(3) is amended—

(1) by striking "$40,000" in clause (i) and inserting "$80,000", and

(2) by striking "$25,000" in clause (ii) and inserting "$50,000".

(b) PHASE-OUT OF LIMITATIONS.—Clause (ii) of section 219(g)(2)(A) is amended by striking "$10,000" and inserting "an amount equal to 10 times the dollar amount applicable for the taxable year under subsection (b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 102. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT AND INCOME LIMITATIONS.

(a) IN GENERAL.—Section 219 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1996, each dollar amount to which this subsection applies shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) DOLLAR AMOUNTS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to—

"(A) the $2,000 amounts under subsection (b)(1)(A) and (c), and

"(B) the applicable dollar amounts under subsection (g)(3)(B).

"(3) ROUNDING RULES.—

"(A) DEDUCTION AMOUNTS.—If any amount referred to in paragraph (2)(A) as adjusted under paragraph (1) is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.

"(B) APPLICABLE DOLLAR AMOUNTS.—If any amount referred to in paragraph (2)(B) as adjusted under paragraph (1) is not a multiple of $5,000, such amount shall be rounded to the next lowest multiple of $5,000."

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 219(c)(2)(A) is amended to read as follows:

"(i) the sum of $250 and the dollar amount in effect for the taxable year under subsection (b)(1)(A), or".

(2) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(3) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Subparagraph (A) of section 408(d)(5) is amended by striking "$2,250" and inserting "the dollar amount in effect for the taxable year under section 219(c)(2)(A)(i)".

(5) Section 408(j) is amended by striking "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 103. COORDINATION OF IRA DEDUCTION LIMIT WITH ELECTIVE DEFERRAL LIMIT.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH ELECTIVE DEFERRAL LIMIT.—The amount determined under paragraph (1) or subsection (c)(2) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

"(A) the limitation applicable for the taxable year under section 402(g)(1), over

"(B) the elective deferrals (as defined in section 402(g)(3)) of such individual for such taxable year."

(b) CONFORMING AMENDMENT.—Section 219(c) is amended by adding at the end the following new paragraph:

"(3) CROSS REFERENCE.—

"For reduction in paragraph (2) amount, see subsection (b)(4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

Subtitle B—Nondeductible Tax-Free IRA's

SEC. 111. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this chapter, a special individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) SPECIAL INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this title, the term 'special individual retirement account' means an individual retirement plan which is designated at the time of establishment of the plan as a special individual retirement account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a special individual retirement account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all special individual retirement accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) SPECIAL RULES FOR QUALIFIED TRANSFERS.—

"(A) IN GENERAL.—No rollover contribution may be made to a special individual retirement account unless it is a qualified transfer.

"(B) LIMIT NOT TO APPLY.—The limitation under paragraph (2) shall not apply to a qualified transfer to a special individual retirement account.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of a special individual retirement account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of a special individual retirement account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from a special individual retirement account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Except as provided in regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(C) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(3) QUALIFIED TRANSFER.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another special individual retirement account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the special individual retirement account to which any contributions are transferred shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the special individual retirement account from which transferred.

"(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to a special individual retirement account from an individual retirement plan which is not a special individual retirement account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) TIME FOR INCLUSION.—In the case of any qualified transfer which occurs before January 1, 1997, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) QUALIFIED TRANSFER.—For purposes of this section

"(1) IN GENERAL.—The term 'qualified transfer' means a transfer to a special individual retirement account from another such account or from an individual retirement plan but only if such transfer meets the requirements of section 408(d)(3).

"(2) LIMITATION.—A transfer otherwise described in paragraph (1) shall not be treated as a qualified transfer if the taxpayer's adjusted gross income for the taxable year of the transfer exceeds the sum of—

"(A) the applicable dollar amount, plus

"(B) the dollar amount applicable for the taxable year under section 219(g)(2)(A)(ii).

This paragraph shall not apply to a transfer from a special individual retirement account to another special individual retirement account.

"(3) DEFINITIONS.—For purposes of this subsection, the terms 'adjusted gross income' and 'applicable dollar amount' have the meanings given such terms by section 219(g)(3), except subparagraph (A)(ii) thereof shall be applied without regard to the phrase 'or the deduction allowable under this section'."

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t) is amended by adding at the end the following new paragraph:

"(6) RULES RELATING TO SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.—In the case of a special individual retirement account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A)."

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A."

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Special individual retirement accounts."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

TITLE II—PENALTY-FREE DISTRIBUTIONS

SEC. 201. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES, TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES, OR BY THE UNEMPLOYED.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (7)); or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (8)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) CERTAIN LINEAL DESCENDANTS AND ANCESTORS TREATED AS DEPENDENTS AND LONG-TERM CARE SERVICES TREATED AS MEDICAL CARE.—Subparagraph (B) of section 72(t)(2) is amended by striking "medical care" and all that follows and inserting "medical care determined—

"(i) without regard to whether the employee itemizes deductions for such taxable year, and

"(ii) in the case of an individual retirement plan—

"(I) by treating such employee's dependents as including all children, grandchildren and ancestors of the employee or such employee's spouse and

"(II) by treating qualified long-term care services (as defined in paragraph (9)) as medical care for purposes of this subparagraph (B)."

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ", (C) or (D)".

(c) DEFINITIONS.—Section 72(t), as amended by this Act, is amended by adding at the end the following new paragraphs:

"(7) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the spouse, child (as defined in section 151(c)(3)), or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (h) or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A).

In the case of an individual described in section 143(i)(1)(C) for any year, an ownership interest shall not include any interest under a contract of deed described in such section. An individual who loses an ownership interest in a principal residence incident to a divorce or legal separation is deemed for purposes of this subparagraph to have had no ownership interest in such principal residence within the period referred to in subparagraph (A)(II).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(8) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse,

"(iii) a dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151, or

"(iv) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

as an eligible student at an institution of higher education (as defined in paragraphs (1)(D) and (2) of section 220(c)).

"(B) EXCEPTIONS.—The term 'qualified higher education expenses' does not include expenses described in subparagraphs (B) and (C) of section 220(c)(1).

"(C) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(9) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of paragraph (2)(B)—

"(A) IN GENERAL.—The term 'qualified long-term care services' means necessary diagnostic, curing, mitigating, treating, preventive, therapeutic, and rehabilitative services, and maintenance and personal care services (whether performed in a residential or nonresidential setting) which—

"(i) are required by an individual during any period the individual is an incapacitated individual (as defined in subparagraph (B)),

"(ii) have as their primary purpose—

"(I) the provision of needed assistance with 1 or more activities of daily living (as defined in subparagraph (C)), or

"(II) protection from threats to health and safety due to severe cognitive impairment, and

"(iii) are provided pursuant to a continuing plan of care prescribed by a licensed professional (as defined in subparagraph (D)).

"(B) INCAPACITATED INDIVIDUAL.—The term 'incapacitated individual' means any individual who—

"(i) is unable to perform, without substantial assistance from another individual (including assistance involving cueing or substantial supervision), at least 2 activities of daily living as defined in subparagraph (C), or

"(ii) has severe cognitive impairment as defined by the Secretary in consultation with the Secretary of Health and Human Services.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless a licensed professional within the preceding 12-month period has certified that such individual meets such requirements.

"(C) ACTIVITIES OF DAILY LIVING.—Each of the following is an activity of daily living:

"(i) Eating.

"(ii) Toileting.

"(iii) Transferring.

"(iv) Bathing.

"(v) Dressing.

"(D) LICENSED PROFESSIONAL.—The term 'licensed professional' means—

"(i) a physician or registered professional nurse, or

"(ii) any other individual who meets such requirements as may be prescribed by the Secretary after consultation with the Secretary of Health and Human Services.

"(E) CERTAIN SERVICES NOT INCLUDED.—The term 'qualified long-term care services' shall not include any services provided to an individual—

"(i) by a relative (directly or through a partnership, corporation, or other entity) unless the relative is a licensed professional with respect to such services, or

"(ii) by a corporation or partnership which is related (within the meaning of section 267(b) or 707(b)) to the individual.

For purposes of this subparagraph, the term 'relative' means an individual bearing a relationship to the individual which is described in paragraphs (1) through (8) of section 152(a)."

(d) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) is amended by adding at the end the following new subparagraph:

"(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after December 31, 1995.

SEC. 202. CONTRIBUTIONS MUST BE HELD AT LEAST 5 YEARS IN CERTAIN CASES.

(a) IN GENERAL.—Section 72(t), as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) CERTAIN CONTRIBUTIONS MUST BE HELD 5 YEARS.—

"(A) IN GENERAL.—Paragraph (2)(A)(i) shall not apply to any amount distributed out of an individual retirement plan (other than a special individual retirement account) which is allocable to contributions made to the plan during the 5-year period ending on the date of such distribution (and earnings on such contributions).

"(B) ORDERING RULE.—For purposes of this paragraph, distributions shall be treated as having been made—

"(i) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(ii) then from other contributions (and earnings allocable thereto) in the order in which made.

Earnings shall be allocated to contributions in such manner as the Secretary may prescribe.

"(C) SPECIAL RULE FOR ROLLOVERS.—

"(i) PENSION PLANS.—Subparagraph (A) shall not apply to distributions out of an individual retirement plan which are allocable to rollover contributions to which section 402(c), 403(a)(4), or 403(b)(8) applied.

"(ii) CONTRIBUTION PERIOD.—For purposes of subparagraph (A), amounts shall be treated as having been held by a plan during any period such contributions were held (or are treated as held under this clause) by any individual retirement plan from which transferred.

"(D) SPECIAL ACCOUNTS.—For rules applicable to special individual retirement accounts under section 408A, see paragraph (8)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions (and earnings allocable thereto) which are made after December 31, 1995.•

By Mr. CAMPBELL (for himself and Mr. BRADLEY):

S. 1311. A bill to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ACT

• Mr. CAMPBELL. Mr. President, I introduce the National Physical Fitness and Sports Foundation Act. This legislation serves the growing need of the President's Council on Physical Fitness to expand and become more self-sufficient.

Mr. President, the foundation created by this bill simply allows the Council to expand its scope and activities without burdening the Federal Government with this expense. As it stands today, the President's Council operates under a severely limited budget. This legislation will empower the Council to become more self-reliant, and less dependent on Federal funding, by creating opportunities to generate and solicit independent sources of funding for the organization.

At a time where we are operating under fiscal restraints, I want to assure my colleagues that this bill does not create a quasi-federal agency to add to the already burdensome system. The foundation created by this bill will be established in collaboration with the Department of Health and Human Services. It would be a nonprofit, private corporation that would encourage the participation by, and support of private organizations for the activities of the Council.

For my colleagues that may not be familiar with the Council, I would like to provide some background on its mission and intent. The President's Council on Physical Fitness and Sports was originally established by President Eisenhower in 1956 to promote physical fitness for our Nation's youth. Since that time, the Council has undergone significant changes, expanding its services to include opportunities with physical fitness, sports, and sports medicine for people of all ages. Today, the Council serves an important role with other national physical fitness and sports organizations and several Federal agencies, collaborating on important issues and campaigns to improve the health of the citizens of this country.

The President's Council on Physical Fitness is of personal interest to me. As many of my colleagues know, sports, specifically judo, played a critical role in my life. I was hardly a role model as a young man; I hung out with

a tough crowd and got into plenty of trouble. The discipline and commitment that judo taught me, literally turned my life around. After many years of dedicated training, I was honored with a gold medal in the 1963 Pan Am Games for judo, and then was selected a year later as captain of the 1964 U.S. Olympic Judo Team. I personally know what a difference sports can make in a person's life. That is why I am encouraging any and all efforts to promote sports and physical fitness in our country.

The Council is the only Federal office that is solely devoted to programs involving physical activity, fitness, and sports. Because of the invaluable role these activities play in the lives of nearly all Americans, it is critical that we support this organization in its vital efforts to continue to promote high standards of health and fitness for the citizens of this Country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1311

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 "National Physical Fitness and Sports Foundation Establishment Act".

SEC. 2. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Physical Fitness and Sports Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall be a charitable and nonprofit corporation and shall not be an agency or establishment of the United States.

(b) PURPOSES.—It is the purpose of the Foundation to—

(1) in conjunction with the President's Council on Physical Fitness and Sports, develop a list and description of programs, events and other activities which would further the goals outlined in Executive Order 12345 and with respect to which combined private and governmental efforts would be beneficial; and

(2) encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities.

(c) DISPOSITION OF MONEY AND PROPERTY.—At least annually the Foundation shall transfer, after the deduction of the administrative expenses of the Foundation, the balance of any contributions received for the activities referred to in subsection (b), to the Public Health Service Gift Fund pursuant to section 231 of the Public Health Service Act (42 U.S.C. 238) for expenditure pursuant to the provisions of that section and consistent with the purposes for which the funds were donated.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the "Board"), which shall consist of nine Directors, to be appointed not later than 90 days after the date of enactment of this Act, each of whom shall be a United States citizen and—

(A) three of whom must be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports or the relationship between health status and physical exercise; and

(B) six of whom must be leaders in the private sector with a strong interest in physical fitness, sports or the relationship between health status and physical exercise (one of which shall be a representative of the United States Olympic Committee).

The membership of the Board, to the extent practicable, shall represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports and similar activities.

(2) EX OFFICIO MEMBERS.—The Assistant Secretary for Health, the Executive Director of the President's Council on Physical Fitness and Sports, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute and the Director for the Centers for Disease Control and Prevention shall serve as ex officio, nonvoting members of the Board.

(3) NOT FEDERAL EMPLOYMENT.—Appointment to the Board or serving as a member of the staff of the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal employment or other law.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Of the members of the Board appointed under subsection (a)(1), three shall be appointed by the Secretary of Health and Human Services (hereinafter referred to in this Act as the "Secretary"), two shall be appointed by the Majority Leader of the Senate, one shall be appointed by the Minority Leader of the Senate, two shall be appointed by the Speaker of the House of representatives, and one shall be appointed by the Minority Leader of the House of Representatives.

(2) TERMS.—Members appointed to the Board under subsection (a)(1) shall serve for a term of 6 years. A vacancy on the Board shall be filled within 60 days of the date on which such vacancy occurred in the manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the balance of the term of the individual who was replaced. No individual may serve more than two consecutive terms as a Director.

(c) CHAIRPERSON.—A Chairperson shall be elected by the Board from among its members and serve for a 2-year term. The Chairperson shall not be limited in terms or service.

(d) QUORUM.—A majority of the sitting members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairperson, but in no event less than once each year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and the vacancy filled in accordance with subsection (b)(2).

(f) REIMBURSEMENT OF EXPENSES.—The members of the Board shall serve without pay. The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(g) GENERAL POWERS.—

(1) ORGANIZATION.—The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this Act; and

(C) undertaking such other acts as may be necessary to carry out the provisions of this Act.

In establishing bylaws under this paragraph, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

(2) LIMITATIONS ON OFFICERS AND EMPLOYEES.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to compensate such individuals for their service. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service.

(B) The first officer or employee appointed by the Board shall be the secretary of the Board who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to physical fitness and sports.

(C) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as an officer or member of the Board of Directors or as an employee of the Foundation.

(D) Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with the policies developed under paragraph (1)(B)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall locate its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out the purposes under section 2, the Foundation shall have the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) except as otherwise provided herein, to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except for gross negligence;

(5) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(6) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For purposes of this Act, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

SEC. 5. PROTECTION AND USES OF TRADEMARKS AND TRADE NAMES.

(a) PROTECTION.—Without the consent of the Foundation, in conjunction with the President's Council on Physical Fitness and Sports, any person who uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance or competition—

(1) the official seal of the President's Council on Physical Fitness and Sports consisting of the eagle holding an olive branch and arrows with shield breast encircled by name "President's Council on Physical Fitness and Sports";

(2) the official seal of the Foundation;

(3) any trademark, trade name, sign, symbol or insignia falsely representing association with or authorization by the president's Council on Physical Fitness and Sports or the Foundation;

shall be subject in a civil action by the Foundation for the remedies provided for in the Act of July 9, 1946 (60 stat. 427; commonly known as the Trademark Act of 1946).

(b) USES.—The Foundation, in conjunction with the President's Council on Physical Fitness and Sports, may authorize contributors and suppliers of goods or services to use the trade name of the President's Council on Physical Fitness and Sports and the Foundation, as well as any trademark, seal, symbol, insignia, or emblem of the President's Council on Physical Fitness and Sports or the Foundation, in advertising that the contributors, goods or services when donated, supplied, or furnished to or for the use of, approved, selected, or used by the President's Council on Physical Fitness and Sports or the Foundation.

SEC. 6. VOLUNTEER STATUS.

The Foundation may accept, without regard to the civil service classification laws, rules, or regulations, the services of volunteers in the performance of the functions authorized herein, in the same manner as provided for under section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)).

SEC. 7. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of Public Law 88-504 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Secretary and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with the purposes described in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threaten to do so;

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.•

By Mr. CAMPBELL:

S. 1313. A bill to amend the Internal Revenue Code of 1986 to permit Indian tribal governments to maintain section 401(k) plans for their employees; to the Committee on Finance.

401(K) PROGRAM LEGISLATION

• Mr. CAMPBELL. Mr. President, today, I introduce a bill that will statutorily permit tribal governments, and enterprises owned by tribal governments, to offer salary reduction pension plans to their employees under section 401(k) of the Internal Revenue Code.

Under current law, tribal governments are not allowed to offer tax deferred, salary reduction pension plans because tax exempt organization are generally prohibited from doing so. Further exacerbating the dilemma confronting tribal governments is the fact that they are not eligible to participate in other tax deferred, salary reduction pension plans.

For example, since 1982 a dozen or more Indian tribal governments have adopted section 403(b) salary reduction pension arrangements only to have the Internal Revenue Service determine these arrangements are not properly qualified. In addition, Indian tribal governments are not eligible to offer section 457 salary reduction pension arrangements because they are not "eligible employers", as defined in section 457.

It is apparent that Indian tribal governments seem to be one of only a few categories of employers who do not have these kinds of pension arrangements available to them. I believe that Indian tribal governments, like most all employers, should have opportunity to offer competitive salary reduction pension arrangements, such as a 401(k).

Mr. President, the 401(k) plan was formally authorized in 1978 as a salary reduction arrangement for employees of profit making firms. The authority was subsequently expanded to tax exempt organization and State and local government. In 1986, however, State and local governments and nonprofit organizations, including Indian tribes, were prohibited from offering 401(k)'s. At this time, only rural electric cooperatives are exempted from the prohibition.

Mr. President, this bill simply adds Indian tribal governments to the list of qualified offerors.

A 401(k) plan permits employees to elect a contribution of part of their wages on a tax-deferred basis to a plan that may offer several investment options. Employers usually make contributions, which are also tax-deferred. In the same way, investment earnings are also tax deferred. This means that taxes aren't paid on the amount saved until it is withdrawn, thereby earning greater interest. Essentially, this expands the amount of money invested, and allows participants to put more money to work for them.

Without question, Indian tribal governments should be allowed to offer some kind of tax deferred salary reduction plan. Almost all sectors of society, including the Federal Government, Congress, State and local governments, and private employees are allowed to enroll in salary reduction pension plans. In 1990, according to Department of Labor statistics, about 19.5 million Americans were enrolled in 401(k) plans.

Tribal governments should be allowed to offer 401(k) pension plans because they will give tribal employees an incentive to save money for retirement. It's no secret that Indian tribes have a history of economic hardship. Under this plan, workers who otherwise might not save money, and workers who otherwise might not be offered a pension plan, will be allowed to participate. In addition, the portability of benefits will encourage tribal employees to enroll in pension plans. If an employee terminates employment with the tribe, that person is allowed to put the accumulated savings into an individual retirement account [IRA]. A 401(k) plan also must be offered to all employees on a nondiscriminatory basis, ensuring that both higher and lower wage employees must be able to access pension benefits.

As tribal governments are successful in their business ventures, it is critically important that tribal employees are encouraged to save money for retirement. In the past, only a few tribal governments had the resources to offer employees salary reduction pension plans. Today, however, with the growth of tribal enterprises, there is more money to invest in the future and there are more tribal employees. In my home

State, the largest employer in Montezuma County is now the Ute Mountain Ute Tribe. It's time that Congress recognize the economic gains being made by tribes and to allow them to offer these broad based, elective deferral arrangements for their employees.

There is danger that if Congress fails to act now, tribes will mistakenly offer their employees 401(k) pension plans. Current law is confusing, leading some tribes to think that they are already qualified to offer 401(k) plans. Investment companies are trying to sell 401(k) pension plans to tribes, even though it's not legal. Unfortunately, we know from the past that this can lead to the loss of tribal funds. This proposal explicitly allows tribal governments to offer these plans, thereby clearing up any confusion.

Recognizing the advantages of section 401(k) salary reduction pension arrangements, the House Ways and Means Committee included in its budget reconciliation mark a provision to again expand the authority to a broader range of organizations that include nonprofit organizations and State and local governments.

Mr. President, it is my hope that in the coming days this proposal will be favorably considered by my colleagues on the Finance Committee. In closing I would ask unanimous consent that a revenue estimate from the Joint Tax Committee also be included in the RECORD to accompany the text of the bill.

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

S. 1313

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

SECTION 1. ELIGIBILITY OF INDIAN TRIBAL GOVERNMENTS TO MAINTAIN SECTION 401(k) PLANS.

(a) IN GENERAL.—The last sentence of section 401(k)(4)(B) of the Internal Revenue Code of 1986 (relating to ineligibility of certain governments and exempt organizations) is amended to read as follows: "This subparagraph shall not apply to a rural cooperative plan or a plan maintained by an Indian tribal government (within the meaning of section 7871)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plans established after December 31, 1994.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, October 9, 1995.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: This is in response to your request dated July 17, 1995, for a revenue estimate of a proposal that would modify present law to permit Indian tribal governments to maintain qualified cash or deferred arrangements (sec. 401(k) plans).

For the purpose of the revenue estimate, we have assumed that employees of tribal governments would include employees of gambling casinos owned and operated by Indian tribal governments.

The proposal would be effective with respect to plans established after December 31, 1994. We estimated that this proposal would reduce Federal fiscal year budget receipts as follows:

[In millions of dollars]

Fiscal years:	
1996	−1
1997	−2
1998	−2
1999	−2
2000	−3
2001	−3
2002	−3
1996–2002	−16

Note: Details do not add to total due to rounding.

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

KENNETH J. KIES,
Chief of Staff.●

ADDITIONAL COSPONSORS

S. 143

At the request of Mrs. KASSEBAUM, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 143, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 789

At the request of Mr. CHAFEE, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 789, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 907

At the request of Mr. MURKOWSKI, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 907, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. BENNETT], the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Kentucky [Mr. FORD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

S. 1000

At the request of Mr. BURNS, the names of the Senator from Tennessee [Mr. FRIST], the Senator from South Carolina [Mr. THURMOND] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1000, a bill to amend the Internal Revenue Code of 1986 to provide that the depreciation rules which apply for regular tax purposes shall also apply for alternative minimum tax purposes, to allow a portion of the tentative minimum tax to be offset by the minimum tax credit, and for other purposes.

S. 1043

At the request of Mr. STEVENS, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Kentucky [Mr. FORD] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1086

At the request of Mr. DOLE, the name of the Senator from South Carolina

[Mr. THURMOND] 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. 1247

At the request of Mr. GRASSLEY, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1247, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

S. 1249

At the request of Mr. FRIST, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1249, a bill to amend the Internal Revenue Code of 1986 to establish medical savings account, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1280

At the request of Mr. MACK, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1280, a bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50-percent deduction for capital gains, to index the basis of certain assets, and to allow the capital loss deduction for losses on the sale or exchange of an individual's principal residence.

S. 1289

At the request of Mr. KYL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

SENATE RESOLUTION 180—TO PROCLAIM "WEEK WITHOUT VIOLENCE"

Mr. BRADLEY (for himself, Mr. HATCH, Mr. COHEN, Mr. ROCKEFELLER, Mr. SPECTER, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 180

Whereas the Week Without Violence, a public-awareness campaign designed to inspire alternatives to the problem of violence in our society, falls on October 15, 1995, through October 21, 1995;

Whereas the prevalence of violence in our society has become increasingly disturbing, as reflected by the fact that 2,000,000 people are injured each year as a result of violent crime, with a staggering 24,500 reported murders in 1993 and with losses from medical expenses, lost pay, property, and other crime-related costs totaling billions of dollars each year;

Whereas studies show that violence against women in their own homes causes more total injuries to women than rape, muggings, and car accidents combined and that ½ of all women who are murdered in the United States are killed by their male partners;

Whereas violence has invaded our homes and communities and is exacting a terrible toll on our country's youth;

Whereas children below the age of 12 are the victims of 1 in 4 violent juvenile victimizations reported to law enforcement, adding up to roughly 600,000 violent incidents involving children under the age of 12 each year;

Whereas studies show that childhood abuse and neglect increases a child's odds of future delinquency and adult criminality and that today's juvenile victims are tomorrow's repeat offenders;

Whereas the risk of violent victimization of children and young adults has increased in recent years;

Whereas according to FBI statistics, on a typical day in 1992, 7 juveniles were murdered;

Whereas from 1985 to 1992, nearly 17,000 persons under the age of 18 were murdered;

Whereas the YWCA, as the oldest women's membership movement in the United States, continues its long history as an advocate for women's rights, racial justice, and nonviolent approaches to resolving many of society's most troubling problems;

Whereas the chapters of the YWCA provide a wide range of valuable programs for women all across the country, including job training programs, child care, battered women's shelters, support programs for victims of rape and sexual assault, and legal advocacy;

Whereas the YWCA Week Without Violence campaign will take an active approach to confront the problem of violence head-on, with a grassroots effort to prevent violence from making further inroads into our schools, community organizations, workplaces, neighborhoods, and homes;

Whereas the Week Without Violence will provide a forum for examining viable solutions for keeping violence against women, men, and children out of our homes and communities;

Whereas national and local groups will inspire and educate our communities about effective alternatives to violence; and

Whereas the YWCA Week Without Violence is both a challenge and a clarion call to all Americans: Now, therefore, be it

Resolved, That the Senate encourages all Americans to spend 7 days without committing, condoning, or contributing to violence and proclaims the week of October 15, 1995, through October 21, 1995, as the "Week Without Violence".

Mr. BRADLEY. Mr. President, I rise today with my colleague Senator HATCH as well as Senator COHEN, Senator ROCKEFELLER, Senator SPECTER, Senator MURRAY, and Senator FEINSTEIN to submit a resolution to declare the week of October 15 the "Week Without Violence."

Mr. President, just look at yesterday's papers. Dateline Washington: A D.C. police officer dies after being shot while on duty. Dateline Arizona: One person dies and many more are hurt after suspected sabotage derails an Amtrak train. Dateline Philadelphia: A man is arrested for allegedly committing two sexual assaults. And the list continues.

All of these stories are from yesterday's newspapers, where tales of death and violence fill page after page of newsprint. Unfortunately, there was nothing unusual about yesterday. It was just a typical day in America—where the headlines of today are torn from the nightmares of days past.

These stories, and the hundreds like them across the country, focus a disturbing spotlight on the prevalence of violence in our society.

The statistics are alarming. Every year, 2 million people are injured each year as a result of violent crime. There were a staggering 24,500 murders reported in 1993; losses from medical expenses, lost pay, property, and other crime-related costs total billions of dollars a year.

But it does not stop there. Violence against women in their own homes causes more total injuries to women than rape, muggings, and car accidents combined. And half of all the women murdered in the United States are killed by their male partners.

It continues. Instead of buying books and computers, our schools are buying the latest metal detectors and are hiring teams of armed guards. Schools have had to choose between education and safety. And still, 15 percent of suburban teenagers and 17 percent of urban teenagers say they have carried a gun within the last month. It is nearly inconceivable to think that parents have to send their children off to school each day worrying that they might be gunned down, but in many areas, that's a fact of life.

These stories and statistics may be unbelievable, but they are true. Violence in our society touches the inner city and the small town, rich and poor, black and white. Violence does not discriminate.

But what can we do? Do we lock ourselves in our homes, shut out from society? Do we arm ourselves with latest automatic weapons? Do we try to strike first, to keep the harm away from us?

Or do we identify practical alternatives to this violence? Do we try to make a difference? And do we try to leave a safer society for our children?

The choice here is clear. In order to combat the rise of violence, we must be proactive. We need to provide real choices for our children. They do not have to resort to guns, violence, and hate.

Toward that end, the YWCA is sponsoring a nationwide Week Without Violence campaign. Beginning this Sunday, the YWCA will provide a forum for identifying real solutions to the problem of violence.

Through education and discussion, we can provide our children with real change. By working to fight violence in our communities, schools can again become centers for learning and homes can again be rid of the fear that has permeated their walls.

Through the work of organizations like the YWCA, our communities can choose actions other than violence. In bringing its message to the schools, community centers, workplaces, and houses of worship, the YWCA's Week Without Violence can provide resistance to this rising tide.

Violence against women does not have to continue. Assault and murder rates do not have to rise. Hate words do not have to dominate public discourse. There are alternatives. And the Week Without Violence will aid our communities in identifying them.

In concurrence with, and in support of, the YWCA's Week Without Violence campaign, I urge all of my colleagues to support this resolution.

Mrs. MURRAY. Mr. President, I am proud to join so many of my colleagues in submitting this important resolution, to proclaim the week of October 15, 1995 through October 21, 1995 as the "Week Without Violence."

As a mother and as a woman, I am deeply troubled about the epidemic of violence in our Nation. And I have devoted myself to doing all I can, as a Senator, to make our streets, our neighborhoods, and our homes safe for our children and families.

The numbers are shocking. But, often the real story gets lost in the statistics. Let us take a moment to reflect about what we mean when we say that violence is ever-present in our society. We are referring to senseless crimes committed among strangers; husbands physically and emotionally battering their wives; parents at the end of their ropes driven to abuse and neglect their own children; and young people with guns on the playground who have lost hope about their futures.

I believe that education and public awareness are some of our best tools in bringing about an end to violence in our country. And that is why this "Week Without Violence" is so important. We must lead by example, and send a message to all Americans that we are committed to ending the cycle of pain, hurt, and fear destroying America's families and society as a whole. We need to work together with our neighbors, and local and national groups to communicate loud and clear the message that "violence is unacceptable, abuse is wrong, and it's got to stop."

But, education is not enough. We must maintain the Federal Government's commitment to preventing and reducing violent crimes. I am pleased the Senate recently restored funding for the Violence Against Women Act, and I encourage my colleagues to continue to support important programs like VAWA which are critical to ensuring the safety of our citizens.

I also would like to commend the YWCA, the oldest womens' membership movement in the United States, for its ongoing efforts to resolve societal ills through nonviolent means, and for helping to reduce violence through prevention and education initiatives. And I also would like to recognize the invaluable services the YWCA provides to survivors of violence through job training programs, shelters, child care, and support groups for rape and assault victims.

Together, we can make our country a safer place to live and raise our families. This "Week Without Violence" is an important step in that direction, and I am proud of our commitment to creating a safer tomorrow for all Americans.

AMENDMENTS SUBMITTED

THE WORKFORCE DEVELOPMENT ACT OF 1995

SPECTER (AND OTHERS) AMENDMENT NO. 2894

Mr. SPECTER (for himself, Mr. SIMON, Mr. HATCH, Mr. JOHNSTON, Mr. PELL, and Mr. HARKIN) proposed an amendment to amendment No. 2885 proposed by Mrs. KASSEBAUM to the bill (S. 143) to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes; as follows:

In subtitle B of title I, strike chapters 1 and 2 and insert the following:

CHAPTER 1—GENERAL PROVISIONS

SEC. 131. DEFINITIONS.

As used in this subtitle:

(1) AT-RISK YOUTH.—The term "at-risk youth" means an individual who—

(A) is not less than age 15 and not more than age 24;

(B) is low-income (as defined in section 113(e));

(C) is 1 or more of the following:

(i) Basic skills deficient.

(ii) A school dropout.

(iii) Homeless or a runaway.

(iv) Pregnant or parenting.

(v) An individual who requires additional education, training, or intensive counseling and related assistance, in order to secure and hold employment or participate successfully in regular schoolwork.

(2) ENROLLEE.—The term "enrollee" means an individual enrolled in the Job Corps.

(3) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(4) JOB CORPS.—The term "Job Corps" means the Job Corps described in section 142.

(5) JOB CORPS CENTER.—The term "Job Corps center" means a center described in section 142.

(6) OPERATOR.—The term "operator" means an entity selected under this chapter to operate a Job Corps center.

(7) SECRETARY.—The term "Secretary" means the Secretary of Labor.

CHAPTER 2—JOB CORPS

SEC. 141. PURPOSES.

The purposes of this chapter are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to assist at-risk youth who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of workforce development activities; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

SEC. 142. ESTABLISHMENT.

There shall be established in the Department of Labor a Job Corps program, to carry out, in conjunction with the activities carried out by the National Board as specified in section 156, activities described in this chapter for individuals enrolled in the Job Corps and assigned to a center.

SEC. 143. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

To be eligible to become an enrollee, an individual shall be an at-risk youth.

SEC. 144. SCREENING AND SELECTION OF APPLICANTS.

(a) STANDARDS AND PROCEDURES.—

(1) IN GENERAL.—The Secretary shall prescribe specific standards and procedures for the screening and selection of applicants for the Job Corps, after considering recommendations from the Governors, State workforce development boards established under section 105, local partnerships and local workforce development boards established under section 118(b), and other interested parties.

(2) METHODS.—In prescribing standards and procedures under paragraph (1) for the screening and selection of Job Corps applicants, the Secretary shall—

(A) require enrollees to take drug tests within 30 days of enrollment in the Job Corps;

(B) allocate, where necessary, additional resources to increase the applicant pool;

(C) establish standards for outreach to and screening of Job Corps applicants;

(D) where appropriate, take measures to improve the professional capability of the individuals conducting such screening; and

(E) require Job Corps applicants to pass background checks, conducted in accordance with procedures established by the Secretary.

(3) IMPLEMENTATION.—To the extent practicable, the standards and procedures shall be implemented through arrangements with—

(A) centers providing the one-stop delivery of core services described in section 106(a)(2);

(B) agencies and organizations such as community action agencies, professional groups, and labor organizations; and

(C) agencies and individuals that have contact with youth over substantial periods of time and are able to offer reliable information about the needs and problems of the youth.

(4) CONSULTATION.—The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

(b) SPECIAL LIMITATIONS.—No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures determines that—

(1) there is a reasonable expectation that the individual considered for selection can

participate successfully in group situations and activities, is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the Job Corps center to which the individual might be assigned and surrounding communities; and

(2) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules.

SEC. 145. ENROLLMENT AND ASSIGNMENT.

(a) RELATIONSHIP BETWEEN ENROLLMENT AND MILITARY OBLIGATIONS.—Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(b) ASSIGNMENT.—After the Secretary has determined that an enrollee is to be assigned to a Job Corps center, the enrollee shall be assigned to the center that is closest to the residence of the enrollee, except that the Secretary may waive this requirement for good cause, including to ensure an equitable opportunity for at-risk youth from various sections of the Nation to participate in the Job Corps program, to prevent undue delays in assignment of an enrollee, to adequately meet the educational or other needs of an enrollee, and for efficiency and economy in the operation of the program.

(c) PERIOD OF ENROLLMENT.—No individual may be enrolled in the Job Corps for more than 2 years, except—

(1) in a case in which completion of an advanced career training program under section 147(d) would require an individual to participate for more than 2 years; or

(2) as the Secretary may authorize in a special case.

SEC. 146. JOB CORPS CENTERS.

(a) OPERATORS AND SERVICE PROVIDERS.—

(1) ELIGIBLE ENTITIES.—The Secretary shall enter into an agreement with a Federal, State, or local agency, which may be a State board or agency that operates or wishes to develop an area vocational education school facility or residential vocational school, or with a private organization, for the operation of each Job Corps center. The Secretary shall enter into an agreement with an appropriate entity to provide services for a Job Corps center.

(2) SELECTION PROCESS.—Except as provided in subsections (c) and (d), the Secretary shall select an entity to operate a Job Corps center on a competitive basis, after reviewing the operating plans described in section 149. In selecting a private or public entity to serve as an operator for a Job Corps Center, the Secretary shall, at the request of the Governor of the State in which the center is located, convene and obtain the recommendation of a selection panel described in section 151(b). In selecting an entity to serve as an operator or to provide services for a Job Corps center, the Secretary shall take into consideration the previous performance of the entity, if any, relating to operating or providing services for a Job Corps center.

(b) CHARACTER AND ACTIVITIES.—Job Corps centers may be residential or nonresidential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in section 147. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(c) CIVILIAN CONSERVATION CENTERS.—

(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers operated under agreements with the Secretary of Agriculture or the Secretary of the Interior, located primarily in rural areas, which shall provide, in addition to other training and assistance, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) SELECTION PROCESS.—The Secretary may select an entity to operate a Civilian Conservation Center on a competitive basis, as provided in subsection (a), if the center fails to meet such national performance standards as the Secretary shall establish.

(d) INDIAN TRIBES.—

(1) DEFINITION.—As used in this subsection:

(A) INDIAN.— The term "Indian" means a person who is a member of an Indian tribe.

(B) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) GENERAL AUTHORITY.—The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians.

SEC. 147. PROGRAM ACTIVITIES.

(a) ACTIVITIES PROVIDED THROUGH JOB CORPS CENTERS.—Each Job Corps center shall provide enrollees assigned to the center with access to activities described in section 106(a)(2)(B), and such other workforce development activities as may be appropriate to meet the needs of the enrollees, including providing work-based learning throughout the enrollment of the enrollees and assisting the enrollees in obtaining meaningful unsubsidized employment, participating successfully in secondary education or postsecondary education programs, enrolling in other suitable training programs, or satisfying Armed Forces requirements, on completion of their enrollment.

(b) ARRANGEMENTS.—The Secretary shall arrange for enrollees assigned to Job Corps centers to receive workforce development activities through or in coordination with the statewide system, including workforce development activities provided through local public or private educational agencies, vocational educational institutions, or technical institutes.

(c) JOB PLACEMENT ACCOUNTABILITY.—The Secretary shall establish a job placement accountability system for Job Corps centers, and coordinate the activities carried out through the system with activities carried out through the job placement accountability systems described in section 121(d) for the States in which Job Corps centers are located.

(d) ADVANCED CAREER TRAINING PROGRAMS.—

(1) IN GENERAL.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollees may continue to participate for a period of not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited.

(2) POSTSECONDARY EDUCATIONAL INSTITUTIONS.—The advanced career training may be provided through a postsecondary educational institution for an enrollee who has obtained a secondary school diploma or its recognized equivalent, has demonstrated commitment and capacity in previous Job Corps participation, and has an identified occupational goal.

(3) COMPANY-SPONSORED TRAINING PROGRAMS.—The Secretary may enter into contracts with appropriate entities to provide the advanced career training through intensive training in company-sponsored training programs, combined with internships in work settings.

(4) BENEFITS.—

(A) IN GENERAL.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.

(B) CALCULATION.—The total amount for which an enrollee shall be eligible under subparagraph (A) shall be reduced by the amount of any scholarship or other educational grant assistance received by such enrollee for advanced career training.

(5) DEMONSTRATION.—Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate that participants in such program have achieved a reasonable rate of completion and placement in training-related jobs before the operator may carry out such additional enrollment.

SEC. 148. SUPPORT.

The Secretary shall provide enrollees assigned to Job Corps centers with such personal allowances, including readjustment allowances, as the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

SEC. 149. OPERATING PLAN.

(a) IN GENERAL.—To be eligible to operate a Job Corps center, an entity shall prepare and submit an operating plan to the Secretary for approval. Prior to submitting the plan to the Secretary, the entity shall submit the plan to the Governor of the State in which the center is located for review and comment. The entity shall submit any comments prepared by the Governor on the plan to the Secretary with the plan. Such plan shall include, at a minimum, information indicating—

(1) in quantifiable terms, the extent to which the center will contribute to the achievement of the proposed State goals and State benchmarks identified in the State plan submitted under section 104 for the State in which the center is located;

(2) the extent to which workforce employment activities and workforce education activities delivered through the Job Corps center are directly linked to the workforce development needs of the region in which the center is located;

(3) an implementation strategy to ensure that all enrollees assigned to the Job Corps center will have access to services through the one-stop delivery of core services described in section 106(a)(2) by the State; and

(4) an implementation strategy to ensure that the curricula of all such enrollees is integrated into the school-to-work activities of the State, including work-based learning, work experience, and career-building activities, and that such enrollees have the opportunity to obtain secondary school diplomas or their recognized equivalent.

(b) APPROVAL.—The Secretary shall not approve an operating plan described in subsection (a) for a center if the Secretary determines that the activities proposed to be carried out through the center are not sufficiently integrated with the activities carried out through the statewide system of the State in which the center is located.

SEC. 150. STANDARDS OF CONDUCT.

(a) PROVISION AND ENFORCEMENT.—The Secretary shall provide, and directors of Job

Corps center shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A).

(b) DISCIPLINARY MEASURES.—

(1) IN GENERAL.—To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees. If such a director determines that an enrollee has committed a violation of the standards of conduct, the director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job Corps will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(2) ZERO TOLERANCE POLICY.—

(A) GUIDELINES.—The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) DEFINITIONS.—As used in this paragraph:

(i) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) ZERO TOLERANCE POLICY.—The term "zero tolerance policy" means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an action described in subparagraph (A).

(c) APPEAL.—A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

SEC. 151. COMMUNITY PARTICIPATION.

(a) ACTIVITIES.—The Secretary shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers in the State and nearby communities. The activities shall include the use of any local partnerships or local workforce development boards established in the State under section 118(b) to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest.

(b) SELECTION PANELS.—The Governor may recommend individuals to serve on a selection panel convened by the Secretary to provide recommendations to the Secretary regarding any competitive selection of an operator for a center in the State. The panel shall have not more than 7 members. In recommending individuals to serve on the panel, the Governor may recommend members of State workforce development boards established under section 105, if any, members of any local partnerships or local workforce development boards established in the State under section 118(b), or other representatives selected by the Governor. The Secretary shall select at least 1 individual recommended by the Governor.

(c) ACTIVITIES.—Each Job Corps center director shall—

(1) give officials of nearby communities appropriate advance notice of changes in the rules, procedures, or activities of the Job Corps center that may affect or be of interest to the communities;

(2) afford the communities a meaningful voice in the affairs of the Job Corps center that are of direct concern to the communities, including policies governing the issuance and terms of passes to enrollees; and

(3) encourage the participation of enrollees in programs for improvement of the communities, with appropriate advance consultation with business, labor, professional, and other interested groups, in the communities.

SEC. 152. COUNSELING AND PLACEMENT.

The Secretary shall ensure that enrollees assigned to Job Corps centers receive academic and vocational counseling and job placement services, which shall be provided, to the maximum extent practicable, through the delivery of core services described in section 106(a)(2).

SEC. 153. ADVISORY COMMITTEES.

The Secretary is authorized to make use of advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

SEC. 154. APPLICATION OF PROVISIONS OF FEDERAL LAW.

(a) ENROLLEES NOT CONSIDERED TO BE FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) PROVISIONS RELATING TO TAXES AND SOCIAL SECURITY BENEFITS.—For purposes of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(3) PROVISIONS RELATING TO COMPENSATION TO FEDERAL EMPLOYEES FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5, United States Code.

(4) FEDERAL TORT CLAIMS PROVISIONS.—For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered to be employees of the Government.

(b) ADJUSTMENTS AND SETTLEMENTS.—Whenever the Secretary finds a claim for damages to a person or property resulting from the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, United States Code, the Secretary may adjust and settle the claim in an amount not exceeding $1,500.

(c) PERSONNEL OF THE UNIFORMED SERVICES.—Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

SEC. 155. SPECIAL PROVISIONS.

(a) ENROLLMENT OF WOMEN.—The Secretary shall immediately take steps to achieve an enrollment of 50 percent women in the Job Corps program, consistent with the need to—

(1) promote efficiency and economy in the operation of the program;

(2) promote sound administrative practice; and

(3) meet the socioeconomic, educational, and training needs of the population to be served by the program.

(b) STUDIES, EVALUATIONS, PROPOSALS, AND DATA.—The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

(c) GROSS RECEIPTS.—Transactions conducted by a private for-profit contractor or a nonprofit contractor in connection with the operation by the contractor of a Job Corps center or the provision of services by the contractor for a Job Corps center shall not be considered to be generating gross receipts. Such a contractor shall not be liable, directly or indirectly, to any State or subdivision of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such contractor for operating or providing services for a Job Corps center. Such a contractor shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such contractor of any property, service, or other item in connection with the operation of or provision of services for a Job Corps center.

(d) MANAGEMENT FEE.—The Secretary shall provide each operator or entity providing services for a Job Corps center with an equitable and negotiated management fee of not less than 1 percent of the contract amount.

(e) DONATIONS.—The Secretary may accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this chapter.

SEC. 156. REVIEW OF JOB CORPS CENTERS.

(a) NATIONAL JOB CORPS REVIEW.—Not later than March 31, 1997, the National Board shall conduct a review of the activities carried out under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and submit to the appropriate committees of Congress a report containing the results of the review, including—

(1) information on the amount of funds expended for fiscal year 1996 to carry out activities under such part, for each State and for the United States;

(2) for each Job Corps center funded under such part, information on the amount of funds expended for fiscal year 1996 under such part to carry out activities related to the direct operation of the center, including funds expended for student training, outreach or intake activities, meals and lodging, student allowances, medical care, placement or settlement activities, and administration;

(3) for each Job Corps center, information on the amount of funds expended for fiscal year 1996 under such part through contracts to carry out activities not related to the direct operation of the center, including funds

expended for student travel, national outreach, screening, and placement services, national vocational training, and national and regional administrative costs;

(4) for each Job Corps center, information on the amount of funds expended for fiscal year 1996 under such part for facility construction, rehabilitation, and acquisition expenses;

(5) information on the amount of funds required to be expended under such part to complete each new or proposed Job Corps center, and to rehabilitate and repair each existing Job Corps center, as of the date of the submission of the report;

(6) a summary of the information described in paragraphs (2) through (5) for all Job Corps centers;

(7) an assessment of the need to serve at-risk youth in the Job Corps program, including—

(A) a cost-benefit analysis of the residential component of the Job Corps program;

(B) the need for residential education and training services for at-risk youth, analyzed for each State and for the United States; and

(C) the distribution of training positions in the Job Corps program, as compared to the need for the services described in subparagraph (B), analyzed for each State;

(8) an overview of the Job Corps program as a whole and an analysis of individual Job Corps centers, including a 5-year performance measurement summary that includes information, analyzed for the program and for each Job Corps center, on—

(A) the number of enrollees served;

(B) the number of former enrollees who entered employment, including the number of former enrollees placed in a position related to the job training received through the program and the number placed in a position not related to the job training received;

(C) the number of former enrollees placed in jobs for 32 hours per week or more;

(D) the number of former enrollees who entered employment and were retained in the employment for more than 13 weeks;

(E) the number of former enrollees who entered the Armed Forces;

(F) the number of former enrollees who completed vocational training, and the rate of such completion, analyzed by vocation;

(G) the number of former enrollees who entered postsecondary education;

(H) the number and percentage of early dropouts from the Job Corps program;

(I) the average wage of former enrollees, including wages from positions described in subparagraph (B);

(J) the number of former enrollees who obtained a secondary school diploma or its recognized equivalent;

(K) the average level of learning gains for former enrollees; and

(L) the number of former enrollees that did not—

(i) enter employment or postsecondary education;

(ii) complete a vocational education program; or

(iii) make identifiable learning gains;

(9) information regarding the performance of all existing Job Corps centers over the 3 years preceding the date of submission of the report; and

(10) job placement rates for each Job Corps center and each entity providing services to a Job Corps center.

(b) RECOMMENDATIONS OF NATIONAL BOARD.—

(1) RECOMMENDATIONS.—The National Board shall, based on the results of the review described in subsection (a), make recommendations to the Secretary of Labor, regarding improvements in the operation of the Job Corps program, including—

(A) closing 5 Job Corps centers by September 30, 1997, and 5 additional Job Corps centers by September 30, 2000;

(B) relocating Job Corps centers described in paragraph (2)(A)(iii) in cases in which facility rehabilitation, renovation, or repair is not cost-effective; and

(C) taking any other action that would improve the operation of a Job Corps center or any other appropriate action.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—In determining whether to recommend that the Secretary of Labor close a Job Corps center, the National Board shall consider whether the center—

(i) has consistently received low performance measurement ratings under the Department of Labor or the Office of Inspector General Job Corps rating system;

(ii) is among the centers that have experienced the highest number of serious incidents of violence or criminal activity in the past 5 years;

(iii) is among the centers that require the largest funding for renovation or repair, as specified in the Department of Labor Job Corps Construction/Rehabilitation Funding Needs Survey, or for rehabilitation or repair, as reflected in the portion of the review described in subsection (a)(5);

(iv) is among the centers for which the highest relative or absolute fiscal year 1996 expenditures were made, for any of the categories of expenditures described in paragraph (2), (3), or (4) of subsection (a), as reflected in the review described in subsection (a);

(v) is among the centers with the least State and local support; or

(vi) is among the centers with the lowest rating on such additional criteria as the National Board may determine to be appropriate.

(B) COVERAGE OF STATES AND REGIONS.—Notwithstanding subparagraph (A), the National Board shall not recommend that the Secretary of Labor close the only Job Corps center in a State or a region of the United States.

(C) ALLOWANCE FOR NEW JOB CORPS CENTERS.—Notwithstanding any other provision of this section, if the planning or construction of a Job Corps center that received Federal funding for fiscal year 1994 or 1995 has not been completed by the date of enactment of this Act—

(i) the appropriate entity may complete the planning or construction and begin operation of the center; and

(ii) the National Board shall not evaluate the center under this title sooner than 3 years after the first date of operation of the center.

(3) REPORT.—Not later than June 30, 1997, the National Board shall submit a report to the Secretary of Labor, which shall contain a detailed statement of the findings and conclusions of the National Board resulting from the review described in subsection (a) together with the recommendations described in paragraph (1).

(c) IMPLEMENTATION OF PERFORMANCE IMPROVEMENTS.—The Secretary shall, after reviewing the report submitted under subsection (b)(3), implement improvements in the operation of the Job Corps program, including closing 10 individual Job Corps centers pursuant to subsection (b). In implementing such improvements, the Secretary may close such additional Job Corps centers as the Secretary determines to be appropriate. Funds saved through the implementation of such improvements shall be used to maintain overall Job Corps program service levels, improve facilities at existing Job Corps centers, relocate Job Corps centers, initiate new Job Corps centers, and make other performance improvements in the Job Corps program.

(d) REPORT TO CONGRESS.—The Secretary shall annually report to Congress the information specified in paragraphs (8), (9), and (10) of subsection (a) and such additional information relating to the Job Corps program as the Secretary may determine to be appropriate.

SEC. 157. ADMINISTRATION.

The Secretary shall carry out the responsibilities specified for the Secretary in this chapter, notwithstanding any other provision of this title.

SEC. 158. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall take effect on July 1, 1998.

(b) REPORT.—Section 156 shall take effect on the date of enactment of this Act.

In section 161(a), strike "subsection (c)" and all that follows through "workforce preparation" and insert "subsection (c) for States, to enable the Secretary of Labor to carry out in the States, and to assist the States in paying for the cost of carrying out, workforce preparation".

In section 161(b)(1), strike "The State" and all that follows through "subsection (c)" and insert "The Secretary of Labor shall use the funds made available for a State through an allotment made under subsection (c)(2)".

In section 161(b)(1), strike "section 152" and insert "section 156".

In section 161(b)(2)(A), strike "subsection (c)" and insert "subsection (c)(3)".

In section 161(b)(3), strike "the funds described in paragraph (1)" and insert "the funds made available to the State through an allotment received under subsection (c)(3)".

In section 161(c)(1), strike "to each State" and insert "for each State".

In section 161(c)(1)(A), strike "to the State" and insert "for the State".

In section 161(c)(2), strike "to each State" and all that follows and insert "for each State, for the operation of Job Corps centers—

"(A) the amount that Job Corps centers in the State expended for fiscal year 1996 under part B of title IV of the Job Training Partnership Act to enable the Secretary of Labor to carry out activities described in paragraphs (2) and (3), and to pay for rehabilitation expenses described in paragraph (4), of section 156(a), as determined under such paragraphs; and

"(B) such amount as may be necessary for the planning, construction, and operation described in section 156(b)(2)(C) for any center described in such section in the State.".

In section 161(d), strike "subsection (c)" and insert "subsection (c)(3)".

In section 181(b), strike "this title" and insert "this title (other than subtitle B)".

In section 182(a)(4)(B), strike "under this Act" and insert "under this Act (other than subtitle B)".

In section 186(c)(2)(H), strike "under this Act" and insert "under this Act (other than subtitle B)".

In the second sentence of section 186(c)(5)(A), strike "181(b)" and insert "181(b) (other than the administration of subtitle B)".

In the third sentence of section 186(c)(5)(A), strike "administration" and insert "administration (other than the administration of subtitle B)".

In section 198C(e)(1)(B)(iii) of the National and Community Service Act of 1990 (42 U.S.C. 12653c(e)(1)(B)(iii)), as amended in section 192(b)(5)(LLL), strike "132" and insert "131".

GRAMM AMENDMENT NO. 2895

Mrs. KASSEBAUM (for Mr. GRAMM) proposed an amendment to amendment No. 2885 proposed by her to the bill S. 143, supra; as follows:

On page 201, strike lines 18 through 22 and insert the following:

(B) SCOPE.—

(i) INITIAL REDUCTIONS.—Not later than the date of the transfer under subsection (b), the Secretary of Labor and the Secretary of Education shall take the actions described in subparagraph (A) with respect to not less than ⅓ of the number of positions of personnel that relate to a covered activity.

(ii) SUBSEQUENT REDUCTIONS.—Not later than 5 years after the date of the transfer under subsection (b), the Secretary of Labor and the Secretary of Education shall take the actions described in subparagraph (A)—

(I) with respect to not less than 60 percent of the number of positions of personnel that relate to a covered activity, unless the Secretaries submit (prior to the end of such 5-year period) a report to Congress demonstrating why such actions have not occurred; or

(II) with respect to not less than 40 percent of the number of positions of personnel that relate to a covered activity, if the Secretaries make the determination and submit the report referred to in subclause (I).

(iii) CALCULATION.—For purposes of calculating, under this subparagraph, the number of positions of personnel that relate to a covered activity, such number shall include the number of positions of personnel who are separated from service under subparagraph (A).

PELL (AND JEFFORDS) AMENDMENT NO. 2896

Mr. PELL (for himself and Mr. JEFFORDS) proposed an amendment to amendment No. 2885 proposed by Mrs. KASSEBAUM to the bill S. 143, supra; as follows:

On page 315, after line 16, insert the following:

SEC. ___1. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:

"(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 276.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established within the Foundation an Institute of Museum and Library Services.

"(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—The Director shall serve for a term of 4 years.

"(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of enactment of this Act, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of this Act, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including—

"(1) awarding financial assistance for activities described in this title; and

"(2) using not less than 5 percent and not more than 7 percent of the funds made available under this title for each fiscal year to award financial assistance for projects that involve both—

"(A) activities relating to library and information services, as described in subtitle B, carried out in accordance with such subtitle; and

"(B) activities relating to museum services, as described in subtitle C, carried out in accordance with such subtitle.

"(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not directly responsible to the Director.

"(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

"(a) APPOINTMENT.—The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"(b) COMPENSATION.—Each such position of Deputy Director shall be a Senior Executive Service position, which shall be paid at a rate of pay for a position at ES-1 of the Senior Executive Service schedule.

"SEC. 206. PERSONNEL.

"(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

"The Institute shall have authority to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special interest bearing account to the credit of the Institute for the purposes in each case specified.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

"This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. STATEMENT OF PURPOSE; RECOGNITION OF NEED.

"(a) STATEMENT OF PURPOSE.—The purposes of this subtitle are as follows:

"(1) To stimulate excellence and promote equity and lifelong access to learning and information resources in all types of libraries.

"(2) To combine the ability of the Federal Government to stimulate significant improvement and innovation in library services with support at State and local levels, and with cooperative programs with other agencies and with public and private sector partnerships, to achieve national library service goals.

"(3) To establish national library service goals for the 21st century. Such goals are that every person in America will be served by a library that—

"(A) provides all users access to information through regional, State, national, and international electronic networks;

"(B) contributes to a productive workforce, and to economic development, by providing resources and services designed to meet local community needs;

"(C) provides a full range of resources and programs to develop reading and critical thinking skills for children and adults;

"(D) provides targeted services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills; and

"(E) provides adequate hours of operation, facilities, staff, collections, and electronic access to information.

"(b) RECOGNITION OF NEED.—The Congress recognizes that strong library services are essential to empower people to succeed in our Nation's increasingly global and technological environment.

"SEC. 213. DEFINITIONS.

"As used in this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims

Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY CONSORTIA.—The term 'library consortia' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved services for their clientele.

"(3) LIBRARY ENTITY.—The term 'library entity' means a library that performs all activities of a library relating to the collection and organization of library materials and other information and that makes the materials and information publicly available. Such term includes State library administrative agencies and the libraries, library related entities, cooperatives, and consortia through which library services are made publicly available.

"(4) PUBLIC LIBRARY.—The term 'public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds. Such term also includes a research library, which, for the purposes of this sentence, means a library, which—

"(A) makes its services available to the public free of charge;

"(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

"(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publications of significant research, and other activities; and

"(D) is not an integral part of an institution of higher education.

"(5) STATE.—The term 'State', unless otherwise specified, includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(6) STATE ADVISORY COUNCIL.—The term 'State advisory council' means an advisory council established pursuant to section 252.

"(7) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer the State plan in accordance with the provisions of this subtitle.

"(8) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, and identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education—

"(A) for the purpose of awarding grants under subchapter A of chapter 2 and for related administrative expenses, $75,000,000 for fiscal year 1996, and such sums as may be necessary for each of the 4 succeeding fiscal years; and

"(B) for the purpose of awarding grants under subchapter B of chapter 2 and for related administrative expenses, $75,000,000 for fiscal year 1996, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) TRANSFER.—The Secretary of Education shall transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle.

"(b) JOINT PROJECTS.—Not less than 5 percent and not more than 7 percent of the funds appropriated under this section for a fiscal year may be made available for projects described in section 204(c)(2) for the fiscal year.

"(c) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount appropriated under the authority of section 214(a) for any fiscal year, the Director—

"(1) shall reserve 1½ percent to award grants in accordance with section 261; and

"(2) shall reserve 8 percent to carry out a national leadership program in library science in accordance with section 262.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the sums appropriated under the authority of section 214(a) and not reserved under subsection (a) for any fiscal year, the Director shall allot the minimum allotment, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments have been made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214(a) that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall allot to each State an amount that bears the same relation to such remainder as the population of the State bears to the population of all the States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment shall be—

"(i) with respect to appropriations for the purposes of subchapter A of chapter 2, $200,000 for each State, except that the minimum allotment shall be $40,000 in the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

"(ii) with respect to appropriations for the purposes of subchapter B of chapter 2, $200,000 for each State, except that the minimum allotment shall be $40,000 in the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sums appropriated under the authority of section 214(a) and not reserved under subsection (a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION AND EVALUATION.

"(a) IN GENERAL.—Not more than 5 percent of the total funds received under this subtitle for any fiscal year by a State may be used for administration.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 251 from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

"(a) PAYMENTS.—The Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Federal share shall be 50 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(3) SPECIAL RULE.—The Federal share—

"(A) for the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, shall be 66 percent; and

"(B) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, shall be 100 percent.

"(c) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—The amount otherwise payable to a State for a fiscal year under chapter 2 shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year are less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be in exact proportion to the amount which the State fails to meet the requirement of this subsection.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a

State plan to the Director not later than April 1, 1996.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) specify priorities for improvement of library services so that all people in the State have convenient and appropriate access to information delivered by libraries through new and emerging technologies assisted under subchapter A of chapter 2;

"(2) identify those persons who need special services under subchapter B of chapter 2 and specify priorities for meeting the purpose described in section 241(a);

"(3) describe how section 243 will be implemented within the State, specify the accountability and evaluation procedures to be followed by public libraries receiving funds under such section, and specify whether and how funds are to be aggregated under section 243(b)(2) to improve library services provided to children in the State described in section 243(a)(2);

"(4) describe the activities and services for which assistance is sought, including—

"(A) priorities for the use of funds under this subtitle; and

"(B) a description of the types of libraries and library entities that will be eligible to receive funds under this subtitle;

"(5) provide that any funds paid to the State in accordance with the State plan shall be expended solely for the purposes for which the funds are authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other entity) under this subtitle;

"(6) provide procedures to ensure that the State library administrative agency shall involve libraries and users throughout the State in policy decisions regarding implementation of this subtitle, and development of the State plan, including establishing the State advisory council;

"(7) provide satisfactory assurance that the State library administrative agency—

"(A) will make such reports, in such form and containing such information, as the Director may require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle, including reports on evaluations under section 251;

"(B) will keep such records and afford such access thereto as the Director may find necessary to assure the correctness and verification of such reports;

"(C) will provide to State advisory council members an orientation regarding the provisions of this subtitle and members' responsibilities, including clear, easily understandable information about the State plan; and

"(D) will report annually at a meeting of the State advisory council on the State library administrative agency's progress toward meeting the goals and objectives of the State plan;

"(8) describe the process for assessing the needs for library and information services within the State, and describe the results of the most recent needs assessment;

"(9) establish goals and objectives for achieving within the State the purposes of this subtitle, including the purposes in sections 212(a), 231(a), and 241(a); and

"(10) describe how the State library administrative agency, in consultation with the State advisory council, will—

"(A) administer this subtitle; and

"(B) conduct evaluations under section 251, including a description of the types of evaluation methodologies to be employed.

"(c) ACCOUNTABILITY.—Each State plan shall—

"(1) establish State-defined performance goals to set forth the level of performance to be achieved by an activity assisted under this subtitle;

"(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form in accordance with section 1115(b) of title 31, United States Code;

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources, required to meet the performance goals;

"(4) establish performance indicators in accordance with subsection (d) to be used in measuring or assessing the relevant outputs, service levels, and outcomes, of each activity assisted under this subtitle;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(d) PERFORMANCE INDICATORS.—Performance indicators described in subsection (c)(4) shall include—

"(1) evidence of progress toward the national library service goals under section 212(a)(3);

"(2) consultation with the State educational agency;

"(3) identification of activities suitable for nationwide replication; and

"(4) progress in improvement of library services provided to children described in section 243(a)(2).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency to meet the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"Subchapter A—Information Access Through Technology

"SEC. 231. GRANTS TO STATES FOR INFORMATION ACCESS THROUGH TECHNOLOGY.

"(a) PURPOSE.—The purpose of this subchapter is to provide for the improvement of library services so that all people have access to information delivered by libraries through new and emerging technologies, whether the information originates locally, from the State, nationally, or globally.

"(b) GRANTS.—

"(1) IN GENERAL.—The Director shall award grants under this subchapter from allotments under section 221(b) to States that have State plans approved under section 224.

"(2) FEDERAL SHARE.—Grants awarded under paragraph (1) shall be used to pay the Federal share of the cost of activities under section 232 that are described in a State plan approved under section 224.

"SEC. 232. AUTHORIZED ACTIVITIES.

"Each State that receives a grant under section 231(b) may use the grant funds to provide statewide services and subgrants to public libraries, other types of libraries and library consortia, or library linkages with other entities, in accordance with the State plan. Such services and subgrants shall involve—

"(1) organization, access, and delivery of information;

"(2) lifelong learning, and workforce and economic development; or

"(3) support of technology infrastructure.

"Subchapter B—Information Empowerment Through Special Services

"SEC. 241. GRANTS TO STATES FOR INFORMATION EMPOWERMENT THROUGH SPECIAL SERVICES.

"(a) PURPOSE.—The purpose of this subchapter is to provide for the improvement of library and information services targeted to persons of all ages and cultures who have difficulty using a library and to communities which are geographically disadvantaged in access to libraries, who or which need special materials or services, or who or which will benefit from outreach services for equity of access to library services and information technologies, including children (from birth through age 17) from families living below the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved).

"(b) GRANTS.—

"(1) IN GENERAL.—The Director shall award grants under this subchapter from allotments under section 221(b) to States that have State plans approved under section 224.

"(2) FEDERAL SHARE.—Grants awarded under paragraph (1) shall be used to pay the Federal share of the cost of the activities under section 242 that are described in a State plan approved under section 224.

"SEC. 242. AUTHORIZED ACTIVITIES.

"Each State that receives a grant under section 241(b) may use the grant funds to provide statewide services and subgrants to public libraries, other types of libraries and library consortia, or library linkages with other entities, in accordance with the State plan. Such services and subgrants shall involve activities that—

"(1) increase literacy and lifelong learning;

"(2) serve persons in rural, underserved, or inner-city areas; or

"(3) support the provision of special services.

"SEC. 243. SERVICES FOR CHILDREN IN POVERTY.

"(a) STATE LEVEL RESERVATION.—

"(1) IN GENERAL.—Except as provided in subsection (c), from the total amount that each State library administrative agency receives under this subchapter for a fiscal year, such agency shall reserve the amount of funds determined under paragraph (2) to

provide assistance to public libraries in the State to enable such libraries to enhance the provision of special services to children described in such paragraph who are served by such libraries.

"(2) AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of funds a State library administrative agency shall reserve under paragraph (1) shall be equal to the sum of—

"(i) $1.50 for every preschooler (birth through age 5) in the State from a family living below the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved); and

"(ii) $1.00 for every school-age child (ages 6 through 17) in the State from such a family.

"(B) MAXIMUM.—The maximum amount that a State library administrative agency may reserve under paragraph (1) for any fiscal year shall not exceed 15 percent of the total amount such agency receives under this subchapter for such year.

"(b) WITHIN STATE DISTRIBUTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each public library in a State shall receive under this section for a fiscal year an amount that bears the same relation to the amount the State library administrative agency reserves under subsection (a) for such year as the number of children described in subsection (a)(2) served by such public library for the preceding fiscal year bears to the number of such children served by all public libraries in the State for such preceding fiscal year.

"(2) EXCEPTION.—

"(A) IN GENERAL.—If a State library administrative agency determines that the amount available under paragraph (1) for a fiscal year for 2 or more public libraries is too small to be effective, then such agency may aggregate such amounts for such year.

"(B) REQUIREMENTS.—Each State library administrative agency aggregating amounts under subparagraph (A) for a fiscal year—

"(i) shall only aggregate the amount available under paragraph (1) for a public library for a fiscal year if the amount so available for such year is $3,000 or less; and

"(ii) shall use such aggregated amounts to enhance the library services provided to the children described in subsection (a)(2) served by the public libraries for which such agency aggregated such amounts for such year.

"(c) ADJUSTMENTS.—

"(1) APPROPRIATIONS INCREASE.—For any fiscal year for which the amount appropriated to carry out this subtitle is greater than the amount appropriated to carry out this subtitle for the preceding fiscal year by a percentage that equals or exceeds 10 percent, the amount each State library administrative agency shall reserve under subsection (a)(2) for the fiscal year for which the determination is made shall be increased by the same such percentage.

"(2) APPROPRIATIONS DECREASE.—For any fiscal year for which the amount appropriated to carry out this subtitle is less than the amount appropriated to carry out this subtitle for the preceding fiscal year by a percentage that equals or exceeds 10 percent, the amount each State library administrative agency shall reserve under subsection (a)(2) for the fiscal year for which the determination is made shall be decreased by the same such percentage.

"(d) PLAN.—Each public library desiring assistance under this section shall submit a plan for the expenditure of funds under this section to the State library administrative agency. Such plan shall include a description of how the library will—

"(1) identify the children described in subsection (a)(2);

"(2) collaborate with community representatives to ensure planning and implementation of appropriate, helpful library services; and

"(3) establish indicators of success.

"(e) PRIORITIES.—Priorities for the use of funds under this section may include activities for children described in subsection (a)(2) such as—

"(1) development of after-school homework support and summer and vacation reading programs;

"(2) development of family literacy programs;

"(3) extension of branch hours to provide space and resources for homework;

"(4) development of coalitions and training programs involving libraries and other service providers in the State;

"(5) development of technological resources;

"(6) hiring specialized outreach staff; and

"(7) development of peer tutoring programs.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE EVALUATION.

"(a) IN GENERAL.—Each State receiving a grant under this subtitle shall annually evaluate, in accordance with subsections (b) and (c), the activities assisted under subchapters A and B of chapter 2.

"(b) SUBCHAPTER A ACTIVITIES.—Each evaluation of activities assisted under subchapter A of chapter 2 shall include a description of how effective such activities are in ensuring that—

"(1) every American will have affordable access to information resources through electronic networks;

"(2) every public library will be connected to national and international electronic networks;

"(3) every State library agency will promote planning and provide support for full library participation in electronic networks;

"(4) every public librarian will possess the knowledge and skills needed to help people obtain information through electronic sources; and

"(5) every public library will be equipped with the technology needed to help people obtain information in an effective and timely manner.

"(c) SUBCHAPTER B ACTIVITIES.—

"(1) IN GENERAL.—Each evaluation of activities assisted under subchapter B of chapter 2 shall include—

"(A) with respect to activities to increase literacy and lifelong learning—

"(i) an analysis of the current situation in the State;

"(ii) how such activities will meet the needs of the current situation in the State and the target groups to be served; and

"(iii) a report of the effect of such activities in relation to the objectives of such activities;

"(B) with respect to activities to serve people in rural and urban areas—

"(i) procedures used to identify library users within a community;

"(ii) a description of needs and target groups to be served;

"(iii) an analysis of the levels of success to be targeted;

"(iv) a report of the effect of such activities in relation to the objectives of such activities; and

"(v) a description of the background of the current level of library service to people in rural and urban areas, and how such activities will extend, improve, and further provide library resources to such people;

"(C) with respect to activities to support the provision of special services—

"(i) an analysis of the current situation in the State;

"(ii) how such activities will meet the needs of the current situation in the State; and

"(iii) a report of the effect of such activities in relation to the objectives of such activities; and

"(D) with respect to activities to serve children under section 243—

"(i) an analysis of the current local situations;

"(ii) a description of such activities, including objectives and costs of such activities; and

"(iii) a report of the effect of such activities in relation to the objectives of such activities.

"(2) INFORMATION.—Each public library receiving assistance under section 243 shall submit to the State library administrative agency such information as such agency may require to meet the requirements of paragraph (1)(D).

"SEC. 252. STATE ADVISORY COUNCILS.

"(a) COUNCILS REQUIRED.—Each State desiring assistance under this subtitle shall establish a State advisory council.

"(b) COMPOSITION.—Each State advisory council shall be broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

"(c) DUTIES.—Each State advisory council shall—

"(1) consult with the State library administrative agency regarding the development of the State plan;

"(2) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan, including mechanisms for evaluation;

"(3) assist the State library administrative agency in—

"(A) the dissemination of information regarding activities assisted under this subtitle; and

"(B) the evaluation of activities assisted under this subtitle; and

"(4) establish bylaws to carry out such council's duties under this subsection.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

"(a) GRANTS AUTHORIZED.—From amounts reserved under section 221(a)(1) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the authorized activities described in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—Grant funds awarded under this section may be used for—

"(1) inservice or preservice training of Indians as library personnel;

"(2) the purchase of library materials;

"(3) the conduct of special library programs for Indians;

"(4) salaries of library personnel;

"(5) transportation to enable Indians to have access to library services;

"(6) dissemination of information about library services;

"(7) assessment of tribal library needs; and

"(8) contracts to provide public library services to Indians living on or near reservations or to accomplish any activities described in paragraphs (1) through (7).

"(c) PROHIBITION.—No funds shall be awarded pursuant to this section unless such funds will be administered by a librarian.

"(d) DUPLICATION.—In awarding grants under this section, the Director shall take such actions as may be necessary to prevent the grant funds provided under this section from being received by any 2 or more entities to serve the same population.

"(e) MAINTENANCE OF EFFORT.—Each organization that receives a grant under this section and supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by such organization from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

"(f) CONSTRUCTION.—Nothing in this section shall be construed to prohibit the dissemination of restricted collections of tribal cultural materials with funds made available under this section.

"(g) APPLICATION.—

"(1) IN GENERAL.—Any organization which desires to receive a grant under this section shall submit an application to the Director that—

"(A) describes the activities and services for which assistance is sought; and

"(B) contains such information as the Director may require by regulation.

"(2) CRITERIA.—The Director shall issue criteria for the approval of applications under this section, but such criteria shall not include—

"(A) an allotment formula; or

"(B) a matching of funds requirement.

"SEC. 262. NATIONAL LEADERSHIP PROGRAM.

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(2) for any fiscal year the Director shall establish and carry out a program of national leadership and evaluation activities to enhance the quality of library services nationwide. Such activities may include—

"(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects; and

"(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, library entities, agencies, or institutions of higher education.

"(2) COMPETITIVE BASIS.—Grants and contracts described in paragraph (1) shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director, with policy advice from the Museum Board shall make every effort to ensure that activities assisted under this section are administered by appropriate library and information services professionals or experts and science professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

"Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved to the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums may be better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

"As used in this subtitle, the term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

"(1) programs to enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services to the public;

"(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet their needs;

"(3) assisting museums in meeting their administrative costs in preserving and maintaining their collections, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

"(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

"(5) assisting museums in conservation of their collections; and

"(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

"(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsections (a) and (b) shall be not more than 50 percent.

"(2) 100 PERCENT.—The Director may use not more than 20 percent of the funds made available under this section for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be 100 percent.

"(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section shall not be subject to any review outside of the Institute.

"SEC. 274. ASSESSMENTS.

"(a) IN GENERAL.—The Director, subject to the policy direction of the Museum Board and in consultation with appropriate representatives of museums and other types of community institutions, agencies, and organizations, shall undertake an assessment of the collaborative possibilities museums can engage in to serve the public more broadly and effectively.

"(b) CONTENTS.—The assessment shall include—

"(1) an investigation of opportunities to establish collaborative programs between museums within a community, including an investigation of the role that larger institutions can play as mentors to smaller institutions;

"(2) an investigation of opportunities to establish collaborative programs between museums and community organizations;

"(3) an investigation of the potential for collaboration between museums on technology issues to reach a broader audience; and

"(4) an investigation of opportunities for museums to work with each other and with other community resources to serve the public better and to coordinate professional and financial development activities.

"(c) LIMITATION.—This section shall not apply in any fiscal year for which the amount appropriated under section 277(a) is less than $28,700,000.

"SEC. 275. AWARD.

"The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

"SEC. 276. NATIONAL MUSEUM SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

"(b) COMPOSITION AND QUALIFICATIONS.—

"(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

"(A) who are members of the general public;

"(B) who are or have been affiliated with—

"(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; and

"(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, and art, zoos, and botanical gardens; and

"(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

"(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility for general policies with respect to the duties, powers, and authorities vested in the Institute relating to museum services, including general policies with respect to—

"(1) financial assistance awarded under this title for museum services;

"(2) projects described in section 204(c)(2); and

"(3) measures to ensure that the policies and activities of the Institute for Museum and Library Services are coordinated with other activities of the Federal Government.

"(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum Board shall meet—

"(A) not less than 3 times each year, including—

"(i) not less than 2 times each year separately; and

"(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 204(c)(2); and

"(B) at the call of the Director.

"(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

"(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government shall be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

"(2) TRAVEL EXPENSES.—The members of the Museum Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

"SEC. 277. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.

"(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

"(c) JOINT PROJECTS.—Not less than 5 percent and not more than 7 percent of the funds appropriated under this section for a fiscal year may be made available for projects described in section 204(c)(2) for the fiscal year.

"(d) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.".

SEC. ___2. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

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

"(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties and powers vested in the Institute of Museum and Library Services relating to library services, including—

"(1) general policies with respect to—

"(A) financial assistance awarded under the Museum and Library Services Act for library services; and

"(B) projects described in section 204(c)(2) of such Act; and

"(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

"(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 204(c)(2) of such Act.

"(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

"(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.".

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Librarian of Congress" and inserting "Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),";

(B) in the second sentence—

(i) by striking "special competence or interest in" and inserting "special competence in or knowledge of; and

(ii) by inserting before the period the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(C) in the third sentence, by inserting "appointive" before "members"; and

(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including traveltime) during which the members are engaged in the business of the Commission. While".

SEC. ___3. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services).

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, 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 by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and 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 this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section 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 section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position 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 Institute of Museum and Library Services 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.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section 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 paragraph shall be construed 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 section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, 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 section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. ___4. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day

before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section ___1 of this Act), and shall serve at the pleasure of the President.

SEC. ___5. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. ___6. REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEALS.—

(1) LIBRARY SERVICES AND CONSTRUCTION ACT.—The Library Services and Construction Act (20 U.S.C. 351 et seq.) is repealed.

(2) HIGHER EDUCATION ACT OF 1965.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is repealed.

(b) REFERENCES TO LIBRARY SERVICES AND CONSTRUCTION ACT.—

(1) OMNIBUS EDUCATION RECONCILIATION ACT OF 1981.—Section 528 of the Omnibus Education Reconciliation Act of 1981 (20 U.S.C. 3489) is amended—

(A) by striking paragraph (12); and

(B) by redesignating paragraphs (13) through (15) as paragraphs (12) through (14), respectively.

(2) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 3113(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6813(10)) is amended by striking "section 3 of the Library Services and Construction Act" and inserting "section 213(7) of the Library Services and Technology Act".

(3) COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994.—Section 7305 of the Community Improvement Volunteer Act of 1994 (40 U.S.C. 276d-3) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(4) APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended by striking "Library Services and Construction Act;".

(5) DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "title II of the Library Services and Construction Act;".

(6) PUBLIC LAW 87-688.—Subsection (c) of the first section of the Act entitled "An Act to extend the application of certain laws to American Samoa", approved September 25, 1962 (48 U.S.C. 1666(c)) is amended by striking "the Library Services Act (70 Stat. 293; 20 U.S.C. 351 et seq.),".

(c) REFERENCES TO INSTITUTE OF MUSEUM SERVICES.—

(1) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Director of the Institute of Museum Services." and inserting the following:

"Director of the Institute of Museum and Library Services.".

(2) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 301 of the Department of Education Organization Act (20 U.S.C. 3441) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) in subsection (b)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) Sections 2101(b), 2205(c)(1)(D), 2208(d)(1)(H)(v), and 2209(b)(1)(C)(vi), and subsections (d)(6) and (e)(2) of section 10401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621(b), 6645(c)(1)(D), 6648(d)(1)(H)(v), 6649(b)(1)(C)(vi), and 8091 (d)(6) and (e)(2)) are amended by striking "the Institute of Museum Services" and inserting "the Institute of Museum and Library Services".

(B) Section 10412(b) of such Act (20 U.S.C. 8102(b)) is amended—

(i) in paragraph (2), by striking "the Director of the Institute of Museum Services," and inserting "the Director of the Institute of Museum and Library Services,"; and

(ii) in paragraph (7), by striking "the Director of the Institute of Museum Services," and inserting "the Director of the Institute of Museum and Library Services,".

(C) Section 10414(a)(2)(B) of such Act (20 U.S.C. 8104(a)(2)(B)) is amended by striking clause (iii) and inserting the following new clause:

"(iii) the Institute of Museum and Library Services.".

(d) REFERENCES TO HIGHER EDUCATION ACT OF 1965.—

(1) HIGHER EDUCATION ACT OF 1965.—Paragraph (2) of section 356(b) of the Higher Education Act of 1965 (20 U.S.C. 1069b(b)) is amended by striking "II,".

(2) HIGHER EDUCATION AMENDMENTS OF 1986.—Part D of title XIII of the Higher Education Amendments of 1986 (20 U.S.C. 1029 note) is repealed.

(e) REFERENCES TO OFFICE OF LIBRARIES AND LEARNING RESOURCES.—

(1) EDUCATION AMENDMENTS OF 1974.—Section 519 of the Education Amendments of 1974 (20 U.S.C. 1221i) is repealed.

(2) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 413(b)(1) of the Department of Education Organization Act (20 U.S.C. 3473(b)(1)) is amended—

(A) by striking subparagraph (H); and

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (H) through (L), respectively.

SEC. ___7. ARTS AND ARTIFACTS.

The Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Arts and Artifacts Indemnity Act'.

"SEC. 2. INDEMNITY FOR EXHIBITIONS OF ARTS AND ARTIFACTS.

"The Director of the Institute of Museum and Library Services may enter into agreements to indemnify against loss or damage such items as may be eligible for such indemnity agreements under section 3—

"(1) in accordance with the provisions of this Act; and

"(2) on such terms and conditions as the Director shall prescribe, by regulation, in order to achieve the objectives of this Act and, consistent with such objectives, to protect the financial interest of the United States.

"SEC. 3. ELIGIBLE ITEMS.

"(a) TYPES OF ITEMS.—The Director may enter into an indemnity agreement under section 2 with respect to items—

"(1) that are—

"(A) works of art, including tapestries, paintings, sculpture, folk art, and graphics and craft arts;

"(B) manuscripts, rare documents, books, or other printed or published materials;

"(C) other artifacts or objects; or

"(D) photographs, motion pictures, or audio and video tape;

"(2) that are of educational, cultural, historical, or scientific value; and

"(3) the exhibition of which is certified (where appropriate) by the Secretary of State or the designee of the Secretary of State as being in the national interest.

"(b) ITEMS ON EXHIBITION.—

"(1) SCOPE.—An indemnity agreement made under this Act shall cover eligible items while on exhibition, generally when the items are part of an exchange of exhibitions. An item described in subsection (a) that is part of an exhibition that originates either in the United States or outside the United States and that is touring the United States shall be considered to be an eligible item.

"(2) DEFINITION.—For purposes of this subsection, the term 'on exhibition' includes the period of time beginning on the date the eligible items leave the premises of the lender or place designated by the lender and ending on the date such items are returned to the premises of the lender or place designated by the lender.

"SEC. 4. APPLICATIONS.

"(a) IN GENERAL.—Any person, nonprofit agency, institution, or government desiring to enter into an indemnity agreement for eligible items under this Act shall submit an application to the Director at such time, in such manner and in accordance with such procedures, as the Director shall, by regulation, prescribe.

"(b) CONTENTS.—An application submitted under subsection (a) shall—

"(1) describe each item to be covered by the agreement (including an estimated value of such item);

"(2) show evidence that the item is an item described in section 3(a); and

"(3) set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of, exhibition of the item, and any transportation related to such item.

"(c) APPROVAL.—On receipt of an application under this section, the Director shall review the application as described in section 5 and, if the Director agrees with the estimated value described in the application and if such application conforms with the requirements of this Act, approve the application and enter into an indemnity agreement with the applicant under section 2. On such approval, the agreement shall constitute a contract between the Director and the applicant pledging the full faith and credit of the United States to pay any amount for which the Director becomes liable under such agreement. The Director, for such purpose, is authorized to pledge the full faith and credit of the United States.

"SEC. 5. INDEMNITY AGREEMENT.

"(a) REVIEW.—On receipt of an application meeting the requirements of subsections (a) and (b) of section 4, the Director shall review the estimated value of the items for which coverage by an indemnity agreement is sought.

"(b) AGGREGATE AMOUNT OF LOSS OR DAMAGE.—The aggregate amount of loss or damage covered by indemnity agreements made under this Act shall not exceed $3,000,000,000, at any one time.

"(c) INDIVIDUAL AMOUNT OF LOSS OR DAMAGE.—No indemnity agreement for a single exhibition shall cover loss or damage in excess of $300,000,000.

"(d) EXTENT OF COVERAGE.—If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

"(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to the items covered;

"(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage to the items covered;

"(3) not less than $10,000,000 but less than $125,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to the items covered;

"(4) not less than $125,000,000 but less than $200,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $100,000 of loss or damage to the items covered; or

"(5) $200,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $200,000 of loss or damage to the items covered.

"SEC. 6. REGULATIONS AND CERTIFICATION.

"(a) REGULATIONS.—The Director shall prescribe regulations providing for prompt adjustment of valid claims for loss or damage to items that are covered by an agreement entered into pursuant to section 2, including provision for arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of such covered items.

"(b) CERTIFICATION.—In the case of a claim of loss or damage with respect to an item that is covered by an agreement entered into pursuant to section 2, the Director shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President pro tempore of the Senate.

"SEC. 7. REPORT.

"The Director shall prepare, and submit at the end of each fiscal year to the appropriate committees of Congress, a report containing information on—

"(1) all claims paid pursuant to this Act during such year;

"(2) pending claims against the Director under this Act as of the end of such year; and

"(3) the aggregate face value of contracts entered into by the Director that are outstanding at the end of such year.

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary—

"(1) to enable the Director to carry out the functions of the Director under this Act; and

"(2) to pay claims certified pursuant to section 6(b).".

KASSEBAUM AMENDMENT NO. 2897

Mrs. KASSEBAUM proposed an amendment to amendment No. 2885 proposed by her to the bill S. 143, supra; as follows:

On line 19, strike lines 5 through 14 and insert the following:

"(35) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives welfare assistance."

On page 50, strike lines 7 through 12 and insert the following: "viduals to participate in the statewide system; and

"(N) followup services for participants who are placed in unsubsidized employment."

On page 65, line 5 and 6, strike "section 103(a)(1)" and insert "this subtitle for workforce employment activities."

On page 69, line 10, strike "and" and insert a comma.

On page 69, line 14, strike "and" and insert "or".

On page 70, line 7, strike "and" and insert "or".

On page 70, line 14, strike "and" and insert "or".

On page 70, line 19, strike "and" and insert "or".

On page 70, line 20, strike "to" and insert "for".

On page 71, line 12, strike "and" and insert "or".

On page 71, line 21, strike "and" and insert "or".

On page 96, strike line 6 and insert the following:

"(1) IN GENERAL.—

"(A) NEGOTIATION AND AGREEMENT.—After a Governor submits".

On page 96, between lines 13 and 14, insert the following:

"(B) WORKFORCE EDUCATION ACTIVITIES.—In carrying out activities under this section, a local partnership or local workforce development board described in subsection (b) may make recommendations with respect to the allocation of funds for, or administration of, workforce education activities in the State involved, but such allocation and administration shall be carried out in accordance with sections 111 through 117 and section 119."

On page 108, strike lines 10 through 12 and insert the following:

"(A) welfare recipients;"

In subparagraph (B)(ii) of the matter inserted on page 114, after line 14, strike "reduce" and insert "reduce by 10 percent".

In subparagraph (C)(iii) of the matter inserted on page 114, after line 14, strike "strategic plan of the State referred to in section 104(b)(2)" and insert "integrated State plan of the State referred to in section 104(b)(5)".

After subparagraph (D) of the matter inserted on page 114, after line 14, insert the following:

"(E) DEFINITION.—As used in this paragraph, the term 'portion of the allotment'—

"(i) used with respect to workforce employment activities, means the funds made available under paragraph (1) or (3) of section 103(a) for workforce employment activities (less any portion of such funds made available under section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)); and

"(ii) used with respect to workforce education activities, means the funds made available under paragraph (2) or (3) of section 103(a) for workforce education activities".

On page 175, line 25, strike "; and" and insert a semicolon.

On page 176, line 2, insert "and" after the semicolon.

On page 176, between lines 2 and 3, insert the following:

"(E) career development planning and decisionmaking;"

On page 176, line 11, strike the period and insert ", including training of counselors, teachers, and other persons to use the products of the nationwide integrated labor market and occupational information system to improve career decisionmaking.".

On page 184, lines 18 through 20, strike ", which models" and all that follows through "didactic methods".

On page 222, line 10, strike "from" and insert "for".

On page 239, line 19, strike "of" and insert "of the".

On page 248, line 23, strike "98-524" and insert "98-524".

On page 250, line 11, strike "and" and insert "and inserting".

On page 255, line 25, add a period at the end.

On page 290, line 14, strike "to" and insert "to the".

On page 290, line 17, strike "(a) IN GENERAL.—".

Beginning on page 290, strike line 23 and all that follows through page 291, line 5.

On page 292, strike lines 9 through 12 and insert the following:

"(a) IN GENERAL.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended to read as follows:"

On page 293, strike lines 2 through 13 and insert the following: "tion.".".

On page 294, lines 9 through 14, strike "subsection (b)" and all that follows through "(2)" and insert "subsection (b)(2)".

On page 296, line 12, strike "to" and insert "to the".

On page 304, line 6, strike "members" and insert "member's".

On page 309, lines 20 and 21, strike "technologies" and insert "technologies,".

On page 311, line 7, strike "purchases" and insert "purchased".

THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 2898

Mr. DOLE (for himself, Mr. HELMS, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D'AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. INHOFE, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, Mr. ROBB, Mr. CRAIG, Mr. COHEN, Mr. BURNS, Mr. REID, Mr. LOTT, Mr. STEVENS, Mr. SPECTER, Mr. SHELBY, and Mr. PRESSLER) proposed an amendment to 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; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short Title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of Policy.
Sec. 102. Authorization of support for democratic and human rights groups and international observers.
Sec. 103. Enforcement of the economic embargo of Cuba.

Sec. 104. Prohibition against indirect financing of Cuba.
Sec. 105. United States opposition to Cuban membership in international financial institutions.
Sec. 106. United States opposition to the termination of the suspension of the Government of Cuba from participation in the Organization of American States.
Sec. 107. Assistance by the independent states of the former Soviet Union for the Government of Cuba.
Sec. 108. Television broadcasting to Cuba.
Sec. 109. Reports on commerce with, and assistance to, Cuba from other foreign countries.
Sec. 110. Importation safeguard against certain Cuban products.
Sec. 111. Reinstitution of family remittances and travel to Cuba.
Sec. 112. News bureaus in Cuba.
Sec. 113. Impact on lawful U.S. Government activities.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Implementation; reports to Congress.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Factors for determining a democratically elected government.
Sec. 207. Settlement of outstanding U.S. claims to confiscated property in Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of Policy.
Sec. 302. Liability for trafficking in confiscated property claimed by United States nationals.
Sec. 303. Proof of ownership of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

(A) the reduction in subsidies from the former Soviet Union;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and has made clear that he has no intention of permitting free and fair democratic elections in Cuba or otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 40 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(8) The Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism, such as the training and supplying of groups dedicated to international violence.

(9) Over the past 36 years, the Cuban government has posed a national security threat to the United States.

(10) The completion and any operation of a nuclear-powered facility in Cuba, for energy generation or otherwise, poses an unacceptable threat to the national security of the United States.

(11) The unleashing on United States shores of thousands of Cuban refugees fleeing Cuban oppression will be considered an act of aggression.

(12) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(13) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(14) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(15) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(16) Radio Marti and Television Marti have been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(17) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and the political manipulation of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect American nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code, except as otherwise provided for in this Act under paragraph 4(5).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(4) CONFISCATED.—The term "confiscated" refers to

(A) the nationalization, expropriation, or other seizure by the Cuban government of ownership or control of property, on or after January 1, 1959,—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban government of, the default by the Cuban government on, or the failure by the Cuban government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban government,

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban government, or

(iii) a debt which was incurred by the Cuban government in satisfaction or settlement of a confiscated property claim.

(5) CUBAN GOVERNMENT.—(A) The terms "Cuban government" and "Government of Cuba" include the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality" is used within the meaning of section 1603(b) of title 28, United States Code.

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government that the President has determined as being democratically elected, taking into account the factors listed in section 206.

(7) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(8) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien, or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(9) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(10) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term "official of the Cuban Government or the ruling political party in Cuba" refers to members of the Council of Ministers, Council of State, central committee of the Cuban Communist Party, the Politburo, or their equivalents.

(11) PROPERTY.—The term "property" means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term "property" shall not include real property used for residential purposes, unless, at the time of enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban government or the ruling political party in Cuba.

(12) TRAFFICS.—(A) As used in title III, a person or entity "traffics" in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefitting from a confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term "traffic" does not include—

(i) the delivery of international telecommunications signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the degree that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses of property for residential purposes by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban government or the ruling political party in Cuba, unless, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949.

(13) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" means a government that the President determines as being a transition government consistent with the requirements and factors listed in section 205.

(14) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by an independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, and the continuation of intelligence activities from Cuba targeted at the United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to United States shores further depleting limited humanitarian and other resources of the United States, the President should do all in his power to make it clear to the Cuban government that—

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States,

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

SEC. 102. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—The President is authorized to furnish assistance to and make available other support for individuals and nongovernmental organizations to support democracy-building efforts in Cuba, including the following:

(1) Published and information matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) DENIAL OF FUNDS TO THE GOVERNMENT OF CUBA.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance are provided to the Government of Cuba or any of its agencies, entities, or instrumentalities.

(c) SUPERSEDING OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs appropriations Act.

SEC. 103. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—(1) Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102-484, is amended to read as follows:

"(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code".

(2) Section 16 of the Trading With the Enemy Act is further amended—

(A) by striking subsection (b), as added by Public Law 102-393; and

(B) by striking subsection (c).

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS UNDER THE ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

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

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national; and".

SEC. 104. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to a foreign or United States national for the purpose of financing transactions involving any property confiscated by the Cuban government the claim to which is owned by a United States national as of the date of enactment of this Act, except for financing by the owner of the property or the claim thereto for a permitted transaction.

(b) SUSPENSION AND TERMINATION OF PROHIBITION.—(1) the President is authorized to suspend this prohibition upon a determination pursuant to section 203(a).

(2) The prohibition in subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba, as provided for in section 204.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by such civil penalties as are applicable to similar violations of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

SEC. 105. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of 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 until the President submits a determination pursuant to section 203(c).

(2) Once the President submits a determination under section 203(a) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 106. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban government from participation in the Organization until the President determines under section 203(c) that a democratically elected government in Cuba is in power.

SEC. 107. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(1)) is amended by striking "of military facilities" and inserting "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos,".

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within the 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Government of Cuba; or".

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

"(3) Nonmarket based trade.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Government of Cuba on terms that involve a grant, concessional price, guarantee, insurance, or subsidy;

"(B) imports from the Government of Cuba at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of Cuban government debt in return for a grant by the Cuban government of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national.".

"(4) CUBAN GOVERNMENT.—(A) The term Cuban government includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term 'agency or instrumentality' is used within the meaning of section 1603(b) of title 28, United States Code.".

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to $2000,000,000 in support of the intelligence facility at Lourdes, Cuba, announced in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

"(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of enactment of this subsection, for an independent state of the former Soviet Union under this Act an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term appropriate congressional committees, includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

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

"(B) democratic political reform and rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

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

"(E) the development of a free market economic system; or

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

SEC. 108. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) are repealed.

SEC. 109. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, and by January 1 each year thereafter until the President submits a determination under section 203(a), the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national;

(5) a determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(B) the amount of debt owned the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban government of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national;

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties; and

(7) an identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries;

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) STATEMENT OF POLICY.—(1) The Congress notes that section 515.204 of title 31, Code of Federal Regulations, prohibits the entry of, and dealings outside the United States in, merchandise that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(2) The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba, noting that the statement of administrative action accompanying that trade agreement specifically states the following:

(A) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. * * * Nothing in the NAFTA would operate to override this prohibition.".

(B) "Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that United States products are not exported to Cuba through those countries.".

(3) The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99-198) required the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for re-export to the United States any sugar produced in Cuba.

(4) Protection of essential security interests of the United States requires enhanced assurances that sugar products that are entered are not products of Cuba.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, no sugar or sugar product shall enter the United States unless the exporter of the sugar or sugar product to the United States has certified, to the satisfaction of the Secretary of the Treasury, that the sugar or sugar product is not a product of Cuba.

(2) If the exporter described in paragraph (1) is not the producer of the sugar or sugar product, the exporter may certify the origin of the sugar or sugar product on the basis of—

(A) its reasonable reliance on the producer's written representations as to the origin of the sugar or sugar product; or

(B) a certification of the origin of the sugar product by its producer, that is voluntarily provided to the exporter by the producer.

(c) CERTIFICATION.—The Secretary of the Treasury shall prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry of sugar or sugar products, in order to ensure the strict enforcement of this section. Such certification shall be in a form sufficient to satisfy the Secretary that the exporter has taken steps to ensure that it is not exporting to the United States sugar or sugar products that are a product of Cuba.

(d) PENALTIES.—

(1) UNLAWFUL ACTS.—It is unlawful to—

(A) enter any product or article if such entry is prohibited under subsection (b), or

(B) make a false certification under subsection (c).

(2) FORFEITURE.—Any person or entity that violates paragraph (1) shall forfeit to the United States—

(A) in the case of a violation of paragraph (1)(A), the goods entered in violation of paragraph (1)(A), and

(B) in the case of a violation of paragraph (1)(B), the goods entered pursuant to the false certification that is the subject of the violation.

(3) ENFORCEMENT.—The Customs Service may exercise the authorities it has under sections 581 through 641 of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641) in order to carry out paragraph (2).

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury shall report to the Congress on any unlawful acts and penalties imposed under subsection (d).

(f) PUBLICATION OF LISTS OF VIOLATORS.—(1) The Secretary of the Treasury shall publish in the Federal Register, not later than March 31 and September 30 of each year, a list containing, to the extent such information is available, the name of any person or entity located outside the customs territory of the United States whose acts result in a violation of paragraph (1)(A) of subsection (d) or who violate paragraph (1)(B) of subsection (d).

(2) Any person or entity whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person or entity has not committed any violations described in paragraph (1) for a period of not less than 1 year after the date on which the name of the person or entity was so published, the Secretary shall remove such person from the list as of the next publication of the list under paragraph (1).

(g) DEFINITIONS.—For purposes of this section:

(1) ENTER, ENTRY.—The terms "enter" and "entry"—mean entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(2) PRODUCT OF CUBA.—The term "product of Cuba" means a product that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part from any article which is the growth, produce, or manufacture of Cuba.

(3) SUGAR, SUGAR PRODUCT.—The terms "sugar" and "sugar product" means sugars, syrups, molasses, or products with sugar content described in additional U.S. note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States.

SEC. 111. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of Congress that the President should, before considering the reinstitution of general licensure for—

(1) family remittances to Cuba—

(A) insist that, prior to such reinstitution, the government of Cuba permit the unfettered operation of small businesses fully endowed with the right to hire others to whom they may pay wages, buy materials necessary in the operation of the business and such other authority and freedom required to foster the operation of small businesses throughout the island, and

(B) require a specific license for remittances above $500; and

(2) travel to Cuba by U.S. resident family members of Cuban nationals resident in Cuba itself insist on such actions by the Government of Cuba as abrogation of the sanction for refugee departure from the island, release of political prisoners, recognition of the right of association and other fundamental freedoms.

SEC. 112. NEWS BUREAUS OF CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, if—

(1) the exchange is fully-reciprocal;

(2) the Cuban Government allows free, unrestricted, and uninhibited movement in Cuba of journalists of any United States-based news organizations;

(3) the Cuban Government agrees not to interfere with the news-gathering activities of individuals assigned to work as journalists in the news bureaus in Cuba of United States-based news organizations;

(4) the United States Government is able to ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba; and

(5) the Cuban Government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution within Cuba of any United States-based news organization that has a news bureau in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to assure the safety and security of the United States against espionage by Cuban journalists it believes to be working for the intelligence agencies of the Cuban Government.

(c) FULLY RECIPROCAL.—It is the sense of Congress that the term "fully reciprocal" means that all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance or other support from a governmental or official source, are permitted to establish and operate a news bureau in each nation.

SEC. 113. IMPACT ON LAWFUL U.S. GOVERNMENT ACTIVITIES.

Nothing in this Act shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency or of an intelligence agency of the United States.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) to consider the restoration of diplomatic relations with Cuba and support the reintegration of the Cuban government into the Inter-American System after a transition government in Cuba comes to power and at such a time as will facilitate the rapid transition to a democratic government;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, subject to subsections 203 (a) and (c).

(2) EFFECT ON OTHER LAWS.—Subject to section 203, the President is authorized to provide such forms of assistance to Cuba as are provided for in subsection (b), notwithstanding any other provision of law, except for—

(A) this Act;

(B) section 620(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(2)); and

(C) section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs appropriations Act.

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing, to the extent possible, the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) TYPES OF ASSISTANCE.—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) TRANSITION GOVERNMENT.—(i) The plan developed under paragraph (1)(A) for assistance to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet the basic human needs of the Cuban people.

(ii) When a transition government in Cuba is in power, the President is encouraged to remove or modify restrictions that may exist on—

(I) remittances by individuals to their relatives of cash or humanitarian items, and

(II) on freedom to travel to visit Cuba other than that the provision of such services and costs in connection with such travel shall be internationally competitive.

(iii) Upon transmittal to Congress of a determination under section 203(a) that a transition government in Cuba is in power, the President should take such other steps as will encourage renewed investment in Cuba to contribute to a stable foundation for a democratically elected government in Cuba.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—(i) The plan developed under paragraph (1)(B) for assistance for a democratically elected government in Cuba should consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba. Such assistance should include—

(I) financing, guarantees, and other assistance provided by the Export-Import Bank of the United States;

(II) insurance, guarantees, and other assistance provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(III) assistance provided by the Trade and Development Agency;

(IV) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(V) Peace Corps activities.

(c) INTERNATIONAL EFFORTS.—The President is encouraged to take the necessary steps—

(1) to seek to obtain the agreement of other countries and multinational organizations to provide assistance to a transition government in Cuba and to a democratically elected government in Cuba; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(d) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate congressional committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade and any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act; and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the

legislative proposals described in paragraph (1).

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President is encouraged to take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 203. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination, consistent with the requirements and factors in section 205, that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide assistance pursuant to section 202(b)(2)(A).

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance authorized under section 202(b)(2)(A) to the transition government in Cuba, the types of such assistance, and the extent to which such assistance has been distributed.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall consult regularly with the appropriate congressional committees regarding the development of the plan.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—Upon making a determination, consistent with section 206, that a democratically elected government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide such forms of assistance as may be included in the plan for assistance pursuant to section 202(b)(2)(B).

(d) ANNUAL REPORTS TO CONGRESS.—Once the President has transmitted a determination referred to in either subsection (a) or (c), the President shall, not later than 60 days after the end of each fiscal year, transmit to the appropriate congressional committees a report on the assistance to Cuba authorized under section 202, including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(a) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo on Cuba and to suspend application of the right of action created in section 302 as to actions thereafter filed against the Government of Cuba, to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 203(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on _____.", with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

(a) A determination under section 203(a) that a transition government in Cuba is in power shall not be made unless that government has taken the following actions—

(1) legalized all political activity;

(2) released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and

(4) has committed to organizing free and fair elections for a new government—

(i) to be held in a timely manner within 2 years after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;

(b) In addition to the requirements in subsection (a), in determining whether a transition government is in power in Cuba, the President shall take into account the extent to which that government—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has publicly committed itself to, and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights;

(C) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;

(E) assuring the right to private property; and

(F) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(3) has ceased any interference with broadcasts by Radio Marti or the Television Marti Service;

(4) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and

(5) permits the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. 206. FACTORS FOR DETERMINING A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of determining under section 203(c) of this Act whether a democratically elected government in Cuba is in power, the President shall take into account whether, and the extent to which, that government—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers; and

(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba; and

(5) is continuing to comply with the requirements of section 205.

SEC. 207. SETTLEMENT OF OUTSTANDING U.S. CLAIMS TO CONFISCATED PROPERTY IN CUBA.

(a) SUPPORT FOR A TRANSITION GOVERNMENT.—Notwithstanding any other provision of this Act—

(1) no assistance may be provided under the authority of this Act to a transition government in Cuba, and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a transition government in Cuba, except for assistance to meet the emergency humanitarian needs of the Cuban people,

unless the President determines and certifies to Congress that such a government has publicly committed itself, and is taking appropriate steps, to establish a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate, and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961.

(b) SUPPORT FOR A DEMOCRATICALLY ELECTED GOVERNMENT.—Notwithstanding any other provision of this Act—

(1) no assistance may be provided under the authority of this Act to a democratically elected government in Cuba, and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a democratically elected government in Cuba,

unless the President determines and certifies to Congress that such a government has adopted and is effectively implementing a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate, and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—

(1) an estimate of the number and amount of claims to property confiscated by the Cuban government held by United States nationals beyond those certified under section 507 of the International Claims Settlement Act of 1949,

(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy,

(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions,

(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949, and

(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.

(e) WAIVER.—The President may waive the prohibitions in subsections (a) and (b) if the President determines and certifies to the Congress that it is in the vital national interest of the United States to provide assistance to contribute to the stable foundation for a democratically elected government in Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.

(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(3) Since Fidel Castro seized power in Cuba in 1959—

(A) he has trampled on the fundamental rights of the Cuban people, and

(B) through his personal despotism, he has confiscated the property of—

(i) millions of his own citizens,

(ii) thousands of United States nationals, and

(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.

(4) It is in the interest of the Cuban people that the government of Cuba respect equally the property rights of Cuban and foreign nationals.

(5) The Cuban government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures with property and assets some of which were confiscated from United States nationals.

(6) This "trafficking" in confiscated property provides badly needed financial benefit, including hard currency, oil and productive investment and expertise, to the current government of Cuba and thus undermines the foreign policy of the United States—

(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro regime has proven to be vulnerable to international economic pressure, and

(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban government.

(7) The U.S. State Department has notified other governments that the transfer of properties confiscated by the Cuban government to third parties "would complicate any attempt to return them to their original owners."

(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(9) International law recognizes that a nation has the ability to provide for rules of law with respect to "conduct outside its territory that has or is intended to have substantial effect within its territory".

(10) The United States Government has an obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.

(11) To deter trafficking in wrongfully confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the courts of the United States that would deny traffickers any profits from economically exploiting Castro's wrongful seizures.

SEC. 302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—(1) LIABILITY OF TRAFFICKERS.—(A) Except as otherwise provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that after the end of the 6-month period beginning on the date of enactment of this Act traffics in property which was confiscated by the Government of Cuba on or after January 1, 1959, shall be liable to the United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable court costs and attorneys' fees.

(B) Interest under subparagraph (A)(I) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF THE CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause.

The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) REQUIREMENT FOR PRIOR NOTICE AND INCREASED LIABILITY FOR SUBSEQUENT ADDITIONAL NOTICE.—(A) Following the conclusion of 180 days after the date of enactment of this Act but at least 30 days prior to instituting suit hereunder, notice of intention to institute a suit pursuant to this section must be served on each intended party or, in the case of ongoing intention to add any party to ongoing litigation hereunder, to each such additional party.

(B) Except as provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of commercial activity, that traffics in confiscated property after having received—

(i) a subsequent additional notice of a claim to ownership of the property by the United States national who owns the claim to the confiscated property, and

(ii) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii), plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of enactment of this Act.

(B) In the case of property confiscated by the Government of Cuba before the date of enactment of this title, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date of enactment.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(7) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or other permission from any agency of the United States, except that this subsection shall not apply to the execution of a judgment against or the settlement of actions involving property blocked under the authority of the Trading with the Enemy Act (Appendix to title 50, United States Code, sections 1 through 44).

(8) Notwithstanding any other provision of law, any claim against the Government of Cuba shall not be deemed an interest in property the transfer of which required or requires a license or permission of any agency of the United States.

(b) AMOUNT IN CONTROVERSY.—An action may be brought under this section by a United States national only where the matter in controversy exceeds the sum or value of $50,000, exclusive of costs.

(c) SERVICE OF PROCESS.—(1) Service of process shall be effected against an agency of instrumentality of a foreign state in the conduct of a commercial activity, or against individuals acting under color of law in conformity with section 1608 of title 28, United States Code, except as provided by paragraph (3) of this subsection.

(2) Service of process shall be effected against all parties not included under the terms of paragraph (1) in conformity with section 1331 of title 28, United States Code.

(3) For all actions brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, no judgment by default shall be entered by a court of the United States against the government of Cuba, its political subdivision, or its agencies or instrumentalities, unless a government recognized by the United States in Cuba and with which it has diplomatic relations is given the opportunity to cure and be heard thereon and the claimant establishes his claim or right to relief by evidence satisfactory to the court.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end of the following:

"(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 1605(7) to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.".

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2), and except for an action or proceeding commenced prior to enactment of this Act—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several states, the District of Columbia, or any territory or possession of the United States that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) If there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—(1) All rights created under this section to bring an action for money damages with respect to property confiscated by the Government of Cuba before the date of enactment of this Act shall cease upon transmittal to the Congress of a determination of the President under section 203(c).

(2) The termination of rights under paragraph (1) shall not affect suits commenced before the data of such termination, 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 subsection had not been enacted.

SEC. 303. PROOF OF OWNERSHIP OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—(1) In any action brought under this Act, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and ownership of claims to ownership of confiscated property by the Government of Cuba. Such determinations are only for evidentiary purposes in civil actions brought under this Act and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which the United States submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of

the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end of the following new section:

"DETERMINATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

"SEC. 514. Notwithstanding any other provision of this Act and only for purposes of section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States nationals (as defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, resulting from the confiscations of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of action by the Government of Cuba".

(c) RULE OF CONSTRUCTION.—Nothing in this Act or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

"EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

"SEC. 515. (a) Subject to subsection (b) neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or non-monetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission pursuant to section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

"(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HELMS. 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, October 11, 1995, to conduct a hearing on Iran sanctions.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 11, 1995, at 2 p.m.

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

ADDITIONAL STATEMENTS

EDIBLE OIL REGULATORY REFORM ACT

• Mr. CHAFEE. Mr. President, the Senate received from the House today H.R. 436, the Edible Oil Regulatory Reform Act. The bill would amend the Oil Production Act of 1990, or OPA-90. As chairman of the Environment and Public Works Committee, which has exclusive jurisdiction over OPA-90, I support the Senate's passage of H.R. 436 by unanimous consent without delay.

As a member of the Environment and Public Works Committee at the time the committee reported the bill that became OPA-90, I am well acquainted with the statute. As many of us will recall, the Congress enacted OPA-90 in the aftermath of the catastrophic *Exxon Valdez* oilspill in Prince William Sound, AK.

One of the key elements of OPA-90 requires all vessels to demonstrate a certain minimum level of financial responsibility to cover the costs of cleanup and damages in the event of an oilspill. The intent behind this requirement is to ensure that an entity that discharges oil into our natural environment pay for the costs and damages arising from the spill—not the U.S. taxpayer. This intent remains sound and should continue to inform the application of the statute.

In passing OPA-90, however, Congress did not intend to abandon the use of common sense. As the act currently stands, there is no distinction made in the financial responsibility requirements for oil-carrying vessels, regardless of the kind of oil being carried. Therefore, a vessel carrying sunflower oil is held to the same requirements under OPA-90 as a carrier of deep crude.

H.R. 436 simply recognizes that vegetable oils and animal fats are different from petroleum oils. Most important, they are different in ways that make it less likely that a spill of vegetable oil or animal fat will cause the same kind of environmental damage as would a petroleum oil spill. For example, vegetable oils and animal fats contain none of the toxic components of petroleum oil.

This is not to suggest that a spill of vegetable oil or animal fat will have no adverse environmental impacts. Experience has shown to the contrary, especially in the case of the Blue Earth River spill in Minnesota in the mid-1960's. Here it is important to note that H.R. 436 would not provide an exemption for carriers of vegetable oil or animal fats. They still would be subject to a mandatory minimum financial responsibility requirement under OPA-90.

Thus, H.R. 436 will lend more rationality to the application of OPA-90 while maintaining the fundamental integrity of the act's purpose and approach. I commend my colleagues in the House for recognizing an opportunity to improve the implementation of an environmental statute.

Finally, as chairman of the Environment and Public Works Committee, let me say that I appreciate the willingness of all Senators to expedite action on this bill. Without unanimous consent, H.R. 436 would have been referred to the Committee on Environment and Public Works. My review of the bill has convinced me that it is a straightforward, commonsense piece of legislation on which committee hearings are unnecessary and to which I can lend my support.•

NATIONAL FIRE PREVENTION WEEK

• Mr. SARBANES. Mr. President, this week is National Fire Prevention Week, a time for us to look back on the year's efforts to prevent fire-related deaths, injuries, and property damage, and an occasion to reflect on the important role of the brave men and women who comprise our national fire service.

Mr. President, as you know, fire is a serious problem in the United States—an average of 4,000 Americans die from fire annually and nearly 30,000 Americans sustain fire-related injuries every year.

Fire Prevention Week falls on the anniversary of the Great Chicago Fire of 1871 which tragically killed 250 people, burned 17,000 buildings, and rendered over 100,000 people homeless. As a nation, we have made significant progress in our efforts to improve firefighting and prevention methods since then, but we still have a long way to go. More recently, the Happy Land Social Club fire of 1990 in New York City which claimed the lives of 87 people reminds us of the massive destruction that can be caused by fire.

Increasingly, however, the efforts of our fire service and organizations such as the National Fire Protection Association, the annual sponsor of National Fire Prevention Week, are making a difference. Due to a thoughtful, multipronged attack, in which battles are won by not having them fought in the first place, fire-related deaths are at an alltime low—reduced to 4,275 last year from 8,900 deaths in 1913 when standardized recordkeeping began.

No one is immune to the dangers of fire. On February 26, 1994, nine Marylanders were killed in a single family home simply because a candle was placed too close to a sofa bed. In order to avoid tragedies like these, members of the fire service, the National Fire Protection Association, and others use National Fire Prevention Week each year to renew and strengthen their commitment to fire-related education programs, construction and engineering improvements, and more effective fire regulations. In line with a recent escalation in efforts to minimize fires caused by carelessness or neglect, the theme of this year's Fire Prevention Week is "Watch What You Heat."

I salute the American Fire Service on the occasion of National Fire Prevention Week and I join in their call to make our country as fire safe as possible.●

ETHEL STAATS CELEBRATES 100TH BIRTHDAY

● Mrs. BOXER. Mr. President, I invite my colleagues to join me in congratulating Mrs. Ethel Staats from my hometown, Greenbrae, CA, on the very special occasion of her upcoming 100th birthday on October 22, 1995.

Mrs. Statts has, throughout her 100 years, been a devoted mother, grandmother, and great-grandmother. She had 3 children, 14 grandchildren, and 17 great-grandchildren. She has been the foundation of a very strong and close family.

In addition, she has dedicated herself to the care and support of others in the community. In her youth, she was a respected nurse, caring for others, and now, in her later years, she has been spending much of her time babysitting and caring for the children of our neighborhood. When my grown children were babies, Mrs. Staats was always there to lend a hand.

She continues to enjoy baseball and football on the radio, with a particular interest in the San Francisco Giants and the Cincinnati Reds.

She happily resides at Rafael Convalescent Hospital in San Rafael, CA. As she says, "If I have to be some place other than home, this place is great."

Ethel Staats is a special woman, one of those senior citizens whom we can all look to with admiration, and who deserves mentioning on her very special day. I wish her the best for her future years and happiest of birthdays.●

TRIBUTE TO ROBERT J. LEWIS

● Mr. BIDEN. Mr. President, one of the greatest pleasures of our service in the Senate, is that we have the opportunity to call the Nation's attention to acts of extraordinary service and sacrifice by our citizens, and to record those acts as a part of our proud and uniquely American history of leadership by the People.

On more occasions than any of us can count, Mr. President, our praise and thanks have been earned by members of a group who truly embody the highest ideals of citizenship and service—our Nation's firefighters. During this National Fire Prevention Week, I am especially proud to pay tribute to a firefighter from my State, Capt. Robert J. Lewis of the Talleyville Fire Company.

On June 30 of this year, the Talleyville Fire Company was dispatched to help battle a house fire in Brandywood, a community just north of Wilmington, DE. There was heavy smoke coming from the attic, and the firefighters immediately went to work with handlines directed to the upper floor of the house.

An engine crew from the nearby Claymont Fire Company was assigned to search the main attic. In the course of that search, Claymont Firefighter Greg Denston was caught when fire broke through the wall, engulfing the attic in flames and leaving little chance of escape by way of the staircase.

In the course of working his way to the attic, Firefighter Denston had lost his helmet, and his protective mask had become dislodged when the flames broke through the wall. He alertly activated his personal safety signal device, hoping that someone would hear his call for help.

Rescue Capt. Robert J. Lewis did hear, Mr. President, and he responded.

Captain Lewis found a Claymont Fire Company helmet at the bottom of the attic staircase. He fought his way through heavy smoke and intense heat, and managed to get to the attic by way of the kind of fold-down stairs that can be hard to navigate under the best of circumstances. And these were surely the worst of circumstances.

The attic was literally under siege by the fire. But Captain Lewis managed to locate Firefighter Denston and to pull him down the stairs, where several other firefighters helped get their injured comrade out of the house and on his way to medical treatment. Firefighter Denston was hospitalized for 7 days, and has continued his recovery at home.

The hope of that recovery is only possible, Mr. President, because Robert Lewis answered the call for help, as firefighters do every day in cities and towns across America.

Captain Lewis' professional instincts—and all firefighters are professionals—his professional instincts were perfect; he acted precisely as his training had taught him.

But training can only teach you how to save a life. It cannot make you do it.

The personal instinct that led Captain Lewis to act quickly and decisively—automatically, without pausing to weigh the pros and cons, putting his concern for another above his concern for his own safety—that instinct comes from deep within. It is something hard to define, but it makes ordinary citizens into heroes every day.

One American writer described it this way: "There is a certain blend of courage, integrity, character and principle which has no satisfactory dictionary name but has been called different things at different times, in different countries. Our American name for it is 'guts.'" Training makes a professional; guts, Mr. President, make a hero.

Capt. Robert J. Lewis of the Talleyville Fire Company did not become a hero on June 30, 1995. He was already a hero, as were his fellow firefighters, because they know that every time they answer the call they may be putting their lives at risk. And still they answer—without pausing to weigh the pros and cons, putting their concern for others above their concern for their own safety—each and every time.

In recognizing Captain Lewis for his extraordinary service, we recognize all firefighters. They represent and summon the best in us—the best of the American character—and we are grateful to them all.●

ORDERS FOR THURSDAY, OCTOBER 12, 1995

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow, Thursday, October 12, 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 be a period of morning business until the hour of 11 a.m. with Senators to speak for up to 5 minutes each with the exception of the following: Mr. KOHL, 10 minutes; Mr. BURNS, 10 minutes; Mr. HATCH, 30 minutes.

I further ask unanimous consent that at 11 a.m. the Senate resume consideration of H.R. 927, the Cuba sanctions bill.

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

Mr. HELMS. Mr. President, I further ask that any first-degree amendments be filed up to 1 p.m. tomorrow under the provisions of rule XXII.

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

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, a cloture

motion was filed on the pending substitute amendments to the Cuba sanctions bill, and it is the hope of the two leaders that the cloture vote could occur tomorrow late evening.

A second cloture motion was filed, and that vote is expected to occur Friday morning. Also, the Senate could begin consideration of the State Department reauthorization bill if available.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. HELMS. 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 6:31 p.m., recessed until Thursday, October 12, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 11, 1995:

THE JUDICIARY

P. MICHAEL DUFFY, OF SOUTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA VICE MATTHEW J. PERRY, JR., RETIRED.

SUE E. MYERSCOUGH, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE HAROLD A. BAKER, RETIRED.

JED S. RAKOFF, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE DAVID N. EDELSTEIN, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM P. FOSTER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000, VICE ROY M. GOODMAN, TERM EXPIRED.

FARM CREDIT ADMINISTRATION

LOWELL LEE JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE EDWARD CARLES WILLIAMSON.

IN THE COAST GUARD

THE FOLLOWING CADET OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE OF ENSIGN:

JORDAN D. ISAAC

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY FOR PROMOTION TO THE GRADE OF COMMANDER:

KURT J. COLELLA
GEORGE J. RAZENDES

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALEXANDER J. KREKICH [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 618 AND 628, TITLE 10, U.S.C., AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

LARRY E. FREEMAN [redacted]
JOHN S. NEWTON [redacted]
DOUGLAS B. WALTER [redacted]

To be lieutenant colonel

JASON BAIRD [redacted]
WILLIAM J. BUCKLEY [redacted]
JAMES D. CARNAHAN [redacted]
CALVIN W. MORRIS [redacted]

To be major

SEAN P. CAIN [redacted]
DAVID A. FENNELL [redacted]
JAMES D. HEDGES [redacted]
CHARLES D. HOWLAND [redacted]
JAMES R. KING [redacted]
KURT R. LA FRANCE [redacted]
RICHARD C. MCEACHIN [redacted]
ROBERT S. MCGEHEE [redacted]
ROBERT F. STAMMLER [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

JOHN B. CARLETON [redacted]

DENTAL CORPS

To be colonel

GERALD R. CRANE [redacted]

To be lieutenant colonel

JOHN R. EMBRY [redacted]

MEDICAL CORPS

To be colonel

STEPHEN A. MCGUIRE [redacted]

To be major

CHARLES R. FRIENDL [redacted]
TERRY L. HASKE [redacted]
PATRICK M. LASSEN [redacted]

CHAPLAIN

To be major

ALLEN L. HECKMAN [redacted]
BOBBY V. PAGE [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, U.S.C., WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

LINE OF THE AIR FORCE

To be captain

MICHAEL A. FRALEY [redacted]
DENNIS WREN [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, U.S.C., WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, U.S.C., TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICER BE APPOINTED IN A HIGHER GRADE THAN INDICATED.

NURSE CORPS

To be captain

TIMOTHY L. COOK [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 618, 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

DEREK J. HARVEY [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3370:

ARMY NURSE CORPS

To be colonel

BARBARA HASBARGEN [redacted]
PATRICIA PELLEGRINO [redacted]
ELIZABETH PIDCOCK [redacted]

DENTAL CORPS

To be colonel

STEPHEN J. GOEPFERD [redacted]

MEDICAL CORPS

To be colonel

STANLEY L. FLEMMING [redacted]
RICHARD A. HURD [redacted]
BILLY R. NORDYKE [redacted]
CARL A. PATOW [redacted]

MEDICAL SERVICE CORPS

To be colonel

ALAN K. ABRAHAM [redacted]
ROGER S. BLACKSTOCK [redacted]
THOMAS R. BROWN [redacted]
MICHAEL R. CHEEK [redacted]
MALCOLM B. WESTCOTT [redacted]
ROBERT A. WIRTZ [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

WILLIAM H. O'GRADY [redacted]

VETERINARY CORPS

To be colonel

GARY VROEGINDEWEY [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3366:

ARMY NURSE CORPS

To be lieutenant colonel

MARY B. ALEXANDER [redacted]
HELEN E. ALM [redacted]
JUDITH B. ANDERSON [redacted]
SHERYL L. ANDRAKIN [redacted]
FRANCES ARROWSMITH [redacted]
PAULA M. ATTWELL [redacted]
KIMBERLY BALLANTYNE [redacted]
LINDA A. BARILE [redacted]
RICHARD B. BARNES [redacted]
TERRY V. BAXTER [redacted]
SUK K. BEARDTAYLOR [redacted]
MARY T. BENNETT [redacted]
IRMA L. BERNARD [redacted]
STEPHEN BLACKBURN [redacted]
JANET M. BLOK [redacted]
MARY E. BOUDREAU [redacted]
DAVID M. BOUDREAUX [redacted]
CAROL L. BOWDOIN [redacted]
SHARON W. BRAMMER [redacted]
MARIA A. BRANSON [redacted]
BOBBY L. BREWTON [redacted]
MERRY A. BRINKLEY [redacted]
VIVIAN J. BURDICK [redacted]
LORETTA BURTON [redacted]
MARK S. BUTCHER [redacted]
MARY K. BUTRUM [redacted]
DORIS P. CALDWELL [redacted]
DEBORAH K. CAMPBELL [redacted]
KATHLEEN CAMPBELL [redacted]
CHRISTINE CARRS [redacted]
ROBBIN L. CARTER [redacted]
MINNIE E. CLARK [redacted]
SANDRA G. COLE [redacted]
PATRICIA J. COMEAU [redacted]
CLARICE COMISSIONG [redacted]
RICHARD N. COONRADT [redacted]
TERRY M. CRASS [redacted]
JOYCE L. CROCKETT [redacted]
CHRISTINE CROMARTY [redacted]
ROBYN R. DADIG [redacted]
GARY R. DALEGOWSKI [redacted]
MILDRED R. DAMICO [redacted]
ELLEN M. DENNIS [redacted]
LYNN M. DERICKSON [redacted]
DIANA M. DISTEFANO [redacted]
MAUREEN C. DONER [redacted]
FLOYD D. DRAKE [redacted]
SHARON A. DRAYTON [redacted]
MICHAEL W. DURAN [redacted]
JOHN R. EDDY [redacted]
PETER ENG [redacted]
I. FERNANDEZDELGADO [redacted]
NOREENE L. FOSTER [redacted]
ROBERT L. FOSTER [redacted]
JEWERLENE FOWLER [redacted]
MARIA FUENTESTORRES [redacted]
MARK A. GALANTOWICZ [redacted]
RONALD G. GAMACHE [redacted]
TERESA K. GAMBLIN [redacted]
HELEN L. GANT [redacted]
DEBRA A. GAYER [redacted]
HAYWARD S. GILL, JR [redacted]
MICHAEL F. GNASTER [redacted]
CONNIE F. GODJIKIAN [redacted]
JEROME L. GONZALES [redacted]
KAREN M. GOODMAN [redacted]
JAMES R. GOODWIN [redacted]
MARY A. GOULD [redacted]
KATHY M. GRAHAM [redacted]
LINDA J. GRAVES [redacted]
JOHN A. GREEN [redacted]
SANDRA GREEN [redacted]
LARRY D. GRONLAND [redacted]
MARY A. GROSS [redacted]
LINDA A. HAFENBREDL [redacted]
MORRIS W. HALL [redacted]
WANDA G. HALL [redacted]
DIANE A. HAMMER [redacted]
PAMELA K. HANSON [redacted]
MICHAEL D. HARPER [redacted]
RUTH M. HARRIS [redacted]
VALERIE L. HARRIS [redacted]
STEPHA HATTON-WARD [redacted]
JOYCE T. HAYNIE [redacted]
JOAN A. HEANEY [redacted]
KENNETH E. HELLER [redacted]
LEOMA M. HERRINGTON [redacted]
CONNIE R. HILLBERG [redacted]
LYNDA S. HILLIARD [redacted]
TIMOTHY A. HOHON [redacted]
VIRGINIA HOLLOWAY [redacted]
VIRGINIA M. HOLT [redacted]
WARREN M. HOVE [redacted]
SHARON L. HUBBARD [redacted]
THOMAS B. HUNTER [redacted]
KENNETH J. HYLE [redacted]
CHRISTINE H. INOUYE [redacted]
KATHRYN L. JANSKY [redacted]
ALAN R. JONES [redacted]
VICTO JURGENSMEIER [redacted]
CAROL A. KABAN [redacted]
CHARLES R. KELLNER [redacted]
ELIZABETH KINDSCHI [redacted]
DIANE E. KNECHT [redacted]
VICTORIA KNIGHTON [redacted]

FAYE L. KNOCHENMUS xxx-xx-x...
JAMES V. KOLLAR xxx-xx-x...
CONNIE J. KOTEFKA xxx-xx-x...
RICHARD KRAJEWSKI xxx-xx-x...
SHIRLEY C. KYLES xxx-xx-x...
KATHRYN L. LANDOSKI xxx-xx-x...
JAMES E. LAUGHLIN xxx-xx-x...
KATHLEEN M. LENIHAN xxx-xx-x...
JINNA A. LESSARD xxx-xx-x...
BARBARA N. LETT xxx-xx-x...
SUSAN LINDQUIST xxx-xx-x...
PATRICIA A. LITTLE xxx-xx-x...
STANTON J. LLOYD xxx-xx-x...
KATHLEEN S. LUTZ xxx-xx-x...
DONNA L. LYNCH xxx-xx-x...
PFEIFFER A. MACLEOD xxx-xx-x...
ARNEATHA MARTIN xxx-xx-x...
JOANN B. MARTIN xxx-xx-x...
JUANJ. MARTINEZ xxx-xx-x...
STEPHEN D. MASSEY xxx-xx-x...
SHIRLEY S. MAYER xxx-xx-x...
JOANNE M. MCCARTHY xxx-xx-x...
MICHAEL A. MCLAIN xxx-xx-xx...
CAROLJEAN C. MCLEAN xxx-xx-x...
KATHLEEN A. MCNULTY xxx-xx-x...
KAY A. MCWHIRTER xxx-xx-x...
BARBARA MELVEN xxx-xx-x...
LOUISA R. MENYHERT xxx-xx-x...
DOUGLAS MEUWISSEN xxx-xx-x...
JUDITH M. MORGAN xxx-xx-x...
DENINE V. MOYER xxx-xx-x...
FRANCIS J. MURPHY xxx-xx-x...
MARYANN NADEAU xxx-xx-x...
NORMA J. NATION xxx-xx-x...
MAUREEN A. NICHL xxx-xx-x...
LAURA J. NORWOOD xxx-xx-x...
PHILIP NOTO xxx-xx-x...
PATRICIA NOWOSACKI xxx-xx-x...
BRUCE R. O'DONNELL xxx-xx-x...
SHARON R. PARDUE xxx-xx-x...
SHARON C. PENN xxx-xx-x...
JOANNE L. PICHASKE xxx-xx-x...
CHERYL D. PIKE xxx-xx-x...
ALMA T. POINTZES xxx-xx-x...
JESSE J. POMPA xxx-xx-xx...
REBECCA K. POOLE xxx-xx-x...
KAREN H. PRICE xxx-xx-x...
MICHAEL J. PROTO, JR. xxx-xx-x...
HELEN K. QUINN xxx-xx-x...
KENNETH R. RAMDAS xxx-xx-x...
MARTHA M. RANKIN xxx-xx-x...
ZENAIDA C. RAYBON xxx-xx-x...
DARLA M. REED xxx-xx-x...
ERNESTINE REMBERT xxx-xx-x...
CELIA L. RICHARDS xxx-xx-x...
DEMETRIA J. RODGERS xxx-xx-x...
OLGA C. RODRIGUEZ xxx-xx-x...
CLYDE V. ROSE xxx-xx-x...
DONALD RUTHERFORD xxx-xx-x...
KATHLEEN M. RYALS xxx-xx-x...
JEFFER Y. SABINO xxx-xx-x...
HAROLD E. SAILSBURY xxx-xx-x...
VIVIAN Z. SALGADO xxx-xx-x...
BARBARA J. SAMPSON xxx-xx-x...
LUZ E. SANTOSRIVERA xxx-xx-x...
ROBERT J. SARGENT xxx-xx-x...
NANCY G. SAUNDERS xxx-xx-x...
PAULINE T. SAXTON xxx-xx-x...
ANDRE C. SCHUETZ xxx-xx-x...
CHERYL D. SHARP xxx-xx-x...
PAULINE W. SHAVER xxx-xx-x...
MARY P. SHERMAN xxx-xx-x...
RUBY M. SIMMONS xxx-xx-x...
IDEL SIMMONSAUSTIN xxx-xx-x...
JANE L. SINNOTT xxx-xx-x...
JOHN T. SLAGLE xxx-xx-x...
JAMES A. SLATER xxx-xx-x...
PATRICIA A. SMITH xxx-xx-x...
FRANCES I. SNELL xxx-xx-x...
JOSE R. SOTO xxx-xx-x...
MARIA I. SOTOORTIZ xxx-xx-x...
KENNETH A. SPANTON xxx-xx-x...
DONNA M. SPICER xxx-xx-x...
JAMES A. SPIVEY xxx-xx-x...
HANNAH L. STEPHEN xxx-xx-x...
DONALD STEVENS xxx-xx-x...
JOSEPH V. STEWART xxx-xx-x...
MARIA O. STEWART, xxx-xx-...
DEBORAH STITTSWORTH xxx-xx-x...
LYNNE A. TAYLOR xxx-xx-x...
TERESA C. TAYLOR xxx-xx-x...
LISA F. THOMPSON xxx-xx-x...
ARMIDA TORRES xxx-xx-x...
CONSTANCE A. TRIPP xxx-xx-x...
JANET M. TROY xxx-xx-x...
TOMMY R. TRUEBLOOD xxx-xx-x...
ELIZABETH URBANIAK xxx-xx-x...
DONNA J. URDAHL xxx-xx-xx...
DONALD VANDERHEYDEN xxx-xx-x...
AUDREY J. VEAL xxx-xx-x...
PAMELA S. WALKER xxx-xx-x...
COX E. WALLACE xxx-xx-x...
DANIEL T. WALTERS xxx-xx-x...
DEBORAH L. WATSON xxx-xx-x...
FRANCES L. WEST xxx-xx-x...
CARL A. WHEELER xxx-xx-x...
JOHN A. WHITFIELD xxx-xx-x...
JOHN A. WILD xxx-xx-x...
ARMANTINE WILLIAMS xxx-xx-x...
SHARLOTTA W. WILSON xxx-xx-x...
THRESA A. WILSON xxx-xx-x...
MICHAEL WIRSCHING xxx-xx-x...
GLORIA G. WOODS xxx-xx-x...
MARYELLEN YACKA xxx-xx-x...
JOSEPH G. ZILLA xxx-xx-x...
TIMOTHY G. ZOELLE xxx-xx-x...
MARK K. ZYGMOND xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

PAUL F. ABBEY xxx-xx-x...
ROBERT S. AYERS xxx-xx-x...
BRUCE A. BAKER xxx-xx-x...
JOSEPH E. BAPTISTE xxx-xx-xx...
JAMES N. BAUM xxx-xx-x...
JOSEPH G. BECKER xxx-xx-x...
JIMMY D. BLANCHARD xxx-xx-x...
THOMAS G. BRAUN xxx-xx-x...
RONALD BURKHOLDER xxx-xx-x...
ROBIN K. DARLING xxx-xx-x...
KEVIN DILLMAN xxx-xx-x...
JEFFREY D. DOW xxx-xx-x...
JOHN H. FULMER xxx-xx-x...
ROBERT E. GARDNER xxx-xx-x...
GLENN E. GARLAND xxx-xx-x...
DAVID B. GILBERT xxx-xx-x...
ROLLO E. GOWER xxx-xx-x...
STEPHEN P. GRADY xxx-xx-x...
JOHN W. HARDEN xxx-xx-x...
JAMES D. HARDISON xxx-xx-x...
DONALD S. HART xxx-xx-x...
ROBERT HWANG xxx-xx-x...
LEE P. JOHNS, JR. xxx-xx-xx...
CHARLES M. KING xxx-xx-x...
RICHARD LINNEMEIER xxx-xx-x...
MICHAEL F. MCCARTHY xxx-xx-x...
MICHAEL J. MCGOWAN xxx-xx-x...
TIMOTHY P. NARY xxx-xx-x...
RODERICK A. NEITZEL xxx-xx-x...
PETER A. PATE xxx-xx-x...
ALLEN B. QUEEN xxx-xx-x...
WILLIAM R. REED xxx-xx-x...
BRENT SCHVANEVELDT xxx-xx-x...
THOMAS P. TRESKA xxx-xx-x...
MARK G. TURNER xxx-xx-x...
PETER C. WEE xxx-xx-x...
STANLEY L. WENDT xxx-xx-x...
CHARLES W. WHATTON xxx-xx-x...
CURTIS S. WILKENSON xxx-xx-x...
DENISE WILLIAMS xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

N.M. ADIELE xxx-xx-x...
AQUILIO C. AGLIAM xxx-xx-x...
JOHN H. ANSOHN xxx-xx-x...
PINAR E. ATAKENT xxx-xx-x...
ALLAN F. AVBEL xxx-xx-x...
BENNIE L. BAKER xxx-xx-x...
STEVEN T. BALDWIN xxx-xx-x...
DENIE BARNETTSCOTT xxx-xx-x...
CHARLES R. BEASLEY xxx-xx-x...
THOMAS F. BENDOWSKI xxx-xx-x...
JEFFREY A. BERMAN xxx-xx-x...
OMKAR N. BHATT xxx-xx-x...
PETER J. BIGHAM xxx-xx-x...
ENRIQ BLANCOTORRES xxx-xx-x...
EDGAR O. BORRERO, xxx-xx-...
WALTER D. BRANCH xxx-xx-x...
JACK L. BREAUX xxx-xx-x...
ARNOLD J. BRENDER xxx-xx-x...
MICHAEL R. BRENNAN xxx-xx-x...
ARNOLD D. BRIDGES xxx-xx-x...
BOBBY J. BROOKS xxx-xx-x...
DEBRA M. BROWN xxx-xx-x...
LARRY D. BROWN xxx-xx-x...
LAWRENCE BRUBAKER xxx-xx-x...
MICHAEL V. CANALE xxx-xx-x...
SUSAN H. CAPPS xxx-xx-x...
ANAVEL O. CARIN xxx-xx-x...
JOHN F. CARLETON xxx-xx-x...
LIE P. CHANG xxx-xx-x...
SARVESWA CHERUKURI xxx-xx-x...
MATILDE M. CHUA xxx-xx-x...
BOGDAN A. CHUMAK xxx-xx-x...
NICKOLAS COLLUCCI xxx-xx-x...
HECTOR F. COLON xxx-xx-x...
MATTHEW M. CONKLIN xxx-xx-x...
CHRISTOPHER CONNER xxx-xx-x...
MARC G. COTE xxx-xx-x...
LAUREN M. CURTIS xxx-xx-x...
ASDGHIG D. DADERIAN xxx-xx-x...
BERNARD DEKONGING xxx-xx-x...
HOWARD F. DETWILER xxx-xx-x...
JAN V. DICKEY xxx-xx-x...
THOMAS R. DORSET xxx-xx-x...
PEDRO R. DUMADAG xxx-xx-x...
MARK S. DWYER xxx-xx-x...
ROBERT J. EGIDIO xxx-xx-x...
DOUGLAS D. ELIASON xxx-xx-x...
ANTONIO EXPOSITO xxx-xx-x...
TOD F. FORMAN xxx-xx-x...
MARK L. FRANCIS xxx-xx-x...
MICHAEL F. FRY xxx-xx-x...
JEFFREY FULLENKAMP xxx-xx-xx...
GUY GARCIAVARGAS xxx-xx-x...
JOHN G. GAROFALO xxx-xx-x...
MICHAEL P. GAVIN xxx-xx-x...
MATTHEW J. GERVAIS xxx-xx-x...
HENRY S. GINDT xxx-xx-x...
PHILIPPE H. GIRERD xxx-xx-x...
MARIO F. GOLLE xxx-xx-x...
PATRICK L. GOMEZ xxx-xx-x...
RONALD I. GROSS xxx-xx-x...
SYED S. HAQQIE xxx-xx-x...
CHARLES M. HARRISON xxx-xx-x...
CARL D. HEINECKE xxx-xx-x...
JEAN C. HENRY xxx-xx-x...
BARNEY J. HENSON xxx-xx-x...
ROBERT L. HOLMES xxx-xx-x...
THOMAS E. HOLTHUS xxx-xx-x...
PHILLIP M. HUTCHINS xxx-xx-x...
KENNETH W. LAIRD xxx-xx-x...
WINSTON I. LEVY xxx-xx-x...
BRIAN K. LOW xxx-xx-x...
DAVID E. LUDLOW xxx-xx-x...
SCOTT M. MALOWNEY xxx-xx-x...
DANNEN MANNSCHRECK xxx-xx-x...
LOUIS S. MARKEL xxx-xx-x...
JOSEPH E. MCANDREW xxx-xx-x...
THOMAS D. MCCLAIN xxx-xx-x...
STEVE L. MCKENZIE xxx-xx-x...
HORST B. MEHNER xxx-xx-x...
CONCEPCION MENDOZA xxx-xx-x...
MARGARET A. MILLER xxx-xx-x...
BARBARA C. MOLINA xxx-xx-x...
RAMANATHPUR MURTHY xxx-xx-x...
JONATHAN NEWMARK xxx-xx-x...
DAVID P. NICHOLS xxx-xx-x...
PHILLIP A. NOKES xxx-xx-x...
DOROTHY A. O'KEEFE xxx-xx-x...
MARTIN G. PAUL xxx-xx-x...
KEVIN L. PEHR xxx-xx-x...
LAURENCE R. PLUMB xxx-xx-x...
CARY S. POLLACK xxx-xx-x...
ALEXANDER PRUITT xxx-xx-x...
JOAN M. RADJIESKI xxx-xx-x...
FELICITAS E. RAMOS xxx-xx-x...
JOSEPHINE G. REYES xxx-xx-x...
ROBERT P. RYAN xxx-xx-x...
STEPHEN SAHLSTROM xxx-xx-x...
COSWIN K. SAITO xxx-xx-x...
MOHAMMAD SAKLAYEN xxx-xx-x...
DAVID M. SCHMIDT xxx-xx-x...
DAVID T. SCHULZ xxx-xx-x...
STEVE SCHWAITZBERG xxx-xx-x...
ERIC W. SCOTT xxx-xx-x...
PAUL C. SHAKIN xxx-xx-x...
ROGER S. SIMMS xxx-xx-x...
SUSAN G. SKEA xxx-xx-x...
LEE STEVENS xxx-xx-x...
DANIEL P. STOLTZFUS xxx-xx-x...
AHMED N. SYED xxx-xx-x...
DONALD R. TAYLOR xxx-xx-x...
CHARLES L. TRUWIT xxx-xx-x...
GENE E. TULLIS xxx-xx-x...
STEPHEN C. ULRICH xxx-xx-x...
CHARLES M. WARE xxx-xx-x...
ASA M. WARMACK xxx-xx-x...
DAVID B. WILDE xxx-xx-x...
CAROL J. WILKERSON xxx-xx-x...
KEVIN K. WOISARD xxx-xx-x...
GEORGE W. WRIGHT xxx-xx-x...
DENNIS C. ZACHARY xxx-xx-x...
FRANK A. ZIMBA xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

ROBERT B. ALFORD, JR. xxx-xx-x...
TERRY T. ALLMONI xxx-xx-x...
DOUGLAS J. ANDERSON xxx-xx-x...
LEON E. ANDREWS xxx-xx-x...
BRUCE J. ASHBAUGH xxx-xx-x...
WILLIAM R. BAGWELL xxx-xx-x...
ERIC D. BEACH xxx-xx-x...
RAYMOND M. BELKNAP xxx-xx-x...
JAMES M. BISHOP xxx-xx-x...
JEANNE J. BLAES xxx-xx-x
TIMOTHY A. BRIGGS, xxx-xx-...
JOSEPH L. BROWN xxx-xx-x...
RICHARD S. CAREY xxx-xx-x...
DOUGLAS R. CARNEY xxx-xx-x...
JOHN A. CAYNON xxx-xx-x...
ABIE R. CHADDERDON xxx-xx-x...
KHALID A. CHAUGHTAI xxx-xx-x...
ELIZABETH M. CLARK xxx-xx-x...
ROBERT L. COLEGATE xxx-xx-x...
JEFFREY E. CONDIT xxx-xx-x...
CURTIS A. CONKLIN xxx-xx-x...
HERMAN A. CORNISH xxx-xx-x...
MORRIS F. CRISLER xxx-xx-x...
PHILIP E. CROMER xxx-xx-x...
STEVEN C. DANIELL xxx-xx-x...
JERRY A. DAVENPORT xxx-xx-x...
WALTER J. DAVIS xxx-xx-x...
OVILA J. DIONNE xxx-xx-x...
EILEEN P. DOHERTY xxx-xx-x...
MICHAEL C. DOHERTY xxx-xx-...
JOHN S. DOMENECH xxx-xx-x...
RICHARD H. DRENNAN xxx-xx-x...
KARL A. DRERUP xxx-xx-x...
CHARLES S. DRESBACH xxx-xx-x...
HARRY L. DURRIE xxx-xx-x...
LEE D. ELLIS xxx-xx-x...
WILLIAM H. ETTINGER xxx-xx-x...
ROOSEVELT EUBANKS xxx-xx-x...
TRAVIS A. EVERETT xxx-xx-x...
JAMES M. FORD xxx-xx-x...
RICHARD V. FRANCIS xxx-xx-x...
DONALD E. GARWOOD xxx-xx-...
JUAN C. GOMEZ xxx-xx-x...
RICARDO R. GONZALES xxx-xx-x...
BRUCE J. GORAL xxx-xx-x...

EDWARD L. GRIFFIN xxx-xx-x...
EDWARD F. HALLIDAY xxx-xx-x...
GEORGE E. HAMILTON xxx-xx-x...
EDWIN L. HARLESS xxx-xx-x...
NORMAN K. HARTLEY xxx-xx-x...
AARON HEARD, JR. xxx-xx-x...
PAUL R. HELLMOLD xxx-xx-x...
STEPHEN J. HICKS xxx-xx-x...
MARION N. HOLLEY xxx-xx-x...
STACY H. INOUYE xxx-xx-x...
LULA M. JACKSON xxx-xx-x...
EDWARD J. JASON xxx-xx-x...
JEFFREY D. JOHNSON xxx-xx-x...
SUSANNE L. JOHNSON xxx-xx-x...
BOBBIE G. JONES xxx-xx-x...
PEGGY H. JOYNER xxx-xx-x...
JAMES W. KAMERMAN xxx-xx-x...
DANIEL E. KARNES xxx-xx-x...
RICHARD H. KEILIG xxx-xx-x...
BERIC E. KIMBALL xxx-xx-x...
MICHAEL KNUTSON xxx-xx-x...
JOSEPH R. KOHUT xxx-xx-x...
LELAND V. KUHN xxx-xx-x...
RICHARD KUZNIA xxx-xx-x...
DONALD M. LAIRD xxx-xx-x...
JULIO C. LARACUENTE xxx-xx-x...
ROBERT LEE xxx-xx-x...
GREGORY F. LINDEN xxx-xx-x...
ROGER T. LITTLE xxx-xx-x...
MARCEL C. LOH xxx-xx-x...
ERNEST LYONS, JR. xxx-xx-x...
BARBARA M. MACKNIS xxx-xx-x...
GEORGE MASTROIANNI xxx-xx-x...
ARTHUR M. MCCARTHY xxx-xx-x...
NIKKI S. MCCARTY xxx-xx-x...
ROBERT M. MCDERMOTT xxx-xx-x...
ROBERT F. MCDONNELL xxx-xx-x...
ROBERT E. MCMILLAN xxx-xx-x...
REINALDO MELENDEZ xxx-xx-x...
DENNIS R. MILLER xxx-xx-x...
JERRY C. MILLER xxx-xx-x...
MICHAEL R. MOHR xxx-xx-x...
LINWOOD MOORE xxx-xx-x...
ROBERT H. OLDFIELD xxx-xx-x...
MARK D. OLSON xxx-xx-x...
PAUL J. ORTMANN xxx-xx-x...
MARK J. PEDDLE III xxx-xx-x...
KAREN M. PFAU xxx-xx-x...
RONALD D. PHILLIPS xxx-xx-x...
DEENA G. PITTMAN xxx-xx-x...
KATHERINE PLATONE xxx-xx-x...
FLOYD W. PRIESTER xxx-xx-x...
SANDRA L. PRIOR xxx-xx-x...
WILLIAM A. PULIG xxx-xx-x...
LARRY E. RAAF xxx-xx-x...
WILLIAM RAFFERTY xxx-xx-x...
PAUL E. RAMSDEN xxx-xx-x...
JAMES P. RANDOLPH xxx-xx-x...
WILLIAM J. RICKMAN xxx-xx-x...
JOHN W. RIDLEY xxx-xx-x...
WILLIAM R. RILEY xxx-xx-x...
VAN S. ROMINE xxx-xx-x...
O.D. ROSABORGES xxx-xx-x...
ROBERT A. ROSICS xxx-xx-x...
MARCUS R. RUSSELL xxx-xx-x...
THOMAS O. SALMON xxx-xx-x...
JERALD W. SAWYER xxx-xx-x...
MARK R. SEYMOUR xxx-xx-x...
TERRY W. SHOCKLEY xxx-xx-x...
PAUL D. SIMPSON xxx-xx-x...
ALBERT R. SMITH xxx-xx-x...
JAMES E. SMITH xxx-xx-x...
PETER N. SMITH xxx-xx-x...
KENNETH SPOTO xxx-xx-x...
DAVID S. STEIN xxx-xx-x...
ROBERT J. STEPPLING xxx-xx-xx...
STEVEN R. STINGER xxx-xx-x...
LINUS W. STORMS xxx-xx-x...
ROBERT H. STRETCH xxx-xx-x...
GREG S. SWANSON xxx-xx-x...
CLIFTON K. TAKENAKA xxx-xx-x...
DEBRA J. TENNEY xxx-xx-x...
NOEL H. THOMAS xxx-xx-x...
CARY T. THREAT xxx-xx-x...
PRASAD TIRUNAGARU xxx-xx-x...
JOSEPH TORRES, JR. xxx-xx-xx...
LELAND C. TOY xxx-xx-x...
DEAN E. TREMBLE xxx-xx-x...
DAVID L. TURNER xxx-xx-x...
STANLEY D. TURNER xxx-xx-x...
WILLIAM UROSEVICH xxx-xx-x...
WILLEM VANDEMERWE xxx-xx-x...
MARTIN P. WATSON xxx-xx-x...
JEROME WESTERGAARD xxx-xx-x...
JOHN R. WIECHEC xxx-xx-x...
ROBERT J. WIETZEL xxx-xx-x...
MARK J. WOLCOTT xxx-xx-x...
NEIL L. WOODIEL xxx-xx-x...
HORACE J. YOUNG xxx-xx-x...
RALPH S. ZELLEM xxx-xx-x...
HENRY A. ZOMPA xxx-xx-x...

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

REMEDIOS M. BALAN xxx-xx-x...
ANDREW DALESSANDRO xxx-xx-x...
NANCY L. ELLWOOD xxx-xx-x...
MARY W. ERICKSON xxx-xx-x...
MARIA C. GARZA xxx-xx-x...
KIM R. GOTTSHALL xxx-xx-x...
GARY J. HAGUE xxx-xx-x...
KAREN S. JOHNSON xxx-xx-x...
KENDRA, KATTELMANN xxx-xx-x...
PATRICIA I. KING xxx-xx-x...
KAREN F. KLINKNER xxx-xx-x...
WILLIAM LINNENKOHL xxx-xx-x...
TERRI LOWELL xxx-xx-x...
JOHN L. LUTE xxx-xx-x...
MICHAEL MACLIN xxx-xx-x...
ROBERT J. MOORE xxx-xx-x...
JANE M. MORRICAL xxx-xx-x...
MARILYN A. O'BANNON xxx-xx-x...
MARGARET B. O'NEIL xxx-xx-x...
NANCY M. PRICKETT xxx-xx-x...
CYNTHIA A. SPENCE xxx-xx-x...
ARLENE SPIRER xxx-xx-x...
DENISE C. SPRAGUE xxx-xx-x...
ZACHARY D. TRUITT xxx-xx-x...

VETERINARY CORPS

To be lieutenant colonel

WOODROW P. BUTLER xxx-xx-x...
JOHNNIE J. EIGHMY xxx-xx-x...
MARK E. GANTS xxx-xx-x...
GEORGE A. JACOBY xxx-xx-x...
WADE B. LAWRENCE xxx-xx-x...
WILLIAM W. MCBETH xxx-xx-x...
MARSHALL MOULIERE xxx-xx-x...
WILLIAM A. NUSZ xxx-xx-x...
DANNY R. RAGLAND xxx-xx-x...
EDMOND C. STALEY xxx-xx-x...
CHARLES TEMPLETON xxx-xx-x...
CRAIG L. WARDRIP xxx-xx-x...

HOUSE OF REPRESENTATIVES—*Wednesday, October 11, 1995*

The House met at 8 a.m.

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

Make us aware, O gracious God, of the sacrifices of those who have gone before us, whose faithfulness and courage have shown the way. We pray for all those who have devoted their lives in service to others and whose own dedication has inspired us all. Bless all who have served with Your favor and may Your everlasting arms support us all the day long. 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 gentleman from Arizona [Mr. HAYWORTH] will come forward and lead the House in the Pledge of Allegiance.

Mr. HAYWORTH of Arizona 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.

RECESS

The SPEAKER. Pursuant to the order of the House of Friday, September 29, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0900

JOINT MEETING OF THE 104TH CONGRESS TO CLOSE THE COMMEMORATION OF THE 50TH ANNIVERSARY OF WORLD WAR II

During the recess the following proceedings took place in honor of the 50th anniversary of World War II, the Speaker of the House of Representatives presiding.

The Assistant to the Sergeant at Arms, Kevin Brennan, announced the Vice President of the United States and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, taking the seats reserved for them.

The SPEAKER. The joint meeting to close the commemoration of the 50th anniversary of World War II will come to order.

The Assistant to the Sergeant at Arms announced the Joint Armed Forces Color Guard.

The historical colors were carried into the Chamber; the flag was carried into the Chamber by the color bearer and a guard from each of the branches of the Armed Forces.

The national anthem was presented by the U.S. Army Chorus.

The color guard saluted the Speaker, faced about, and saluted the House.

The flag was posted, and the Members and guests were seated.

The Chaplain of the U.S. House of Representatives, Rev. James David Ford, D.D., delivered the following invocation:

Let us pray. As we gather for this special occasion, O gracious God, we offer our thanksgivings as we recall the valiant deeds and historic acts of another day, a time which lives in our hearts with gratitude and praise.

O loving God, whose will it is that all people live in harmony and peace, we ask Your blessing on all those who answered the Nation's call to service so the forces of evil would be put down and that opportunities for freedom and liberty would abound.

We especially lift up the names of those who gave their lives for others, often in places so far from home. We hold these names in high honor and reverence, for their sacrifice is etched forever in the history of our Nation. We recognize them at this time, and we join with our families in this holy memory.

We pray, O God, that as we contemplate the devotion and consecration of those who have served we will be worthy of their commitment in our stewardship of the blessings of this land. We pray, Almighty God, that the duty and honor of serving You and our country may ever enable us to take pride in our responsibilities and be faithful in all our tasks now and ever more. Amen.

The SPEAKER. It is most appropriate we hold this joint meeting of Congress to thank and honor the World War II generation who 50 years ago fought the most destructive war in history and saved the world for freedom. This morning we remember all who served our Nation, but our focus is on the World War II veteran, their families and those who served on the home front.

Many of those who served in World War II, family members of those who served as well as those who served in the home front, are our special guests this morning and at this time I think it is entirely appropriate to recognize and thank them.

First, I would like all those who have received our Nation's highest military award for valor, the Congressional Medal of Honor, to please stand and remain standing or raise your hand. [Applause.]

Next, would all World War II veterans, including our colleagues in the House and Senate who served, please stand and remain standing or raise your hand. [Applause.]

At this time, I would also like to extend the House's welcome and recognize the efforts of General Kicklighter, executive director of the 50th Anniversary of World War II Commemoration Committee. We are grateful for all you and your staff have done over the past 5 years to thank and honor the World War II generation.

I wonder if General Kicklighter, his staff, and the committee might rise for just a moment because they spent a number of years. [Applause.]

And last, but certainly not least, I want to thank two Members of Congress for their efforts in making this historic joint meeting a reality: Congressman FLOYD SPENCE and Senator STROM THURMOND. We thank you for your leadership and all the work you have done to make this occasion possible.

Let me just say that, on my part, I welcome all of you back, all of you who served your country. I think it is important for us to remember how real the dangers of evil are, how close we came to losing freedom, how difficult the fight was, and the great capacity of a free society to call on its young men and women to do remarkable things, if that is what it takes. And I hope that today will drive home for another generation the fact that the price of liberty is the willingness to sacrifice and the willingness to be committed and that you, for a very crucial time in the history of the human race, did all that you could to make sure that the cause of freedom would prevail.

Mr. Vice President.

Vice President GORE. Mr. Speaker, Mr. Leader, Members of Congress, members of the President's Cabinet, General Shalikashvili and members of the Joint Chiefs of Staff and all members of the Armed Services who are gathered here and, most of all, to our

World War II veterans and to their families, on behalf of the U.S. Senate, I, too, welcome you.

We are gathered this morning as a grateful people and as a grateful Nation for the culmination of our country's half century commemorations for those who served in World War II. From the still cemeteries, along the hedgerows and beaches of Normandy to the streets of a new and united Berlin, to the now calm and peaceful waters of Pearl Harbor, we have honored America's heroes throughout this past year, whether it was our soldiers who were sent to faraway lands, our Americans who did their part on the home front.

Commemorations are tinged by both glory and by sadness, by memories of great feats of the human spirit and memories of painful loss.

I have had the privilege to take part in the World War II ceremonies this year, first at Arlington National Cemetery for D-day, then at the American cemetery at Mattingly, England, in Paris, and at Berlin for VE day and finally at Fort Myer for VJ day. And along with all those gathered at these commemorations I felt the mix of conflicting emotions.

On the one hand, occasions such as these are opportunities to remember the tremendous sacrifice, the lost lives of young men and women, many whose names we will never know and who we can never adequately thank, those who are remembered by simple white stones on quiet slopes across Europe and in the Pacific. We also mourn the loss of those we did know and love, friends and family. These are scars that time simply cannot heal.

But even though we grieve our loss, we also celebrate a great victory, indeed a triumph of good over evil. While we mourn those who gave their lives, we celebrate the gifts that their enormous sacrifices bequeathed to all of us: freedom, democracy, a world safe for humankind.

There is, however, another quiet truth that is woven into the fabric of our commemorations and into our experiences as a nation at war, and that truth is simple if powerful: There is nothing America cannot accomplish when we work together. When confronted with a challenge at home or on distant shores, we are at our very best when we stand as one as Americans; and that is true whether we pursue legislation in this hallowed Chamber, rebuild after a hurricane or earthquake or join hands to defeat tyranny and oppression in places like South Africa, Haiti, Bosnia, Iraq or wherever evil shows its ugly face.

What better example of America working together than the veterans and their families who sit here today, heroes like Ruth Staples and her sister, Ina. Their entire family was involved in the war effort.

Ina's husband was a tail gunner in the Army Air Corps, flying over Europe. Their brothers, James and Owen Kline, enlisted. James was in the Navy fighting in the Pacific; and Owen, deceased just a few years ago, was a paratrooper in the 82d Airborne. And Ruth, along with her sister Edna, now deceased, did her part going to work in the rail yard in Brunswick, MD, right after graduating from high school.

Also here today are two Gold Star children, Prof. Ann Jennalie Cook and her sister Margaret Sue Cook. They were in grade school living in Oklahoma with their mother and younger brother, David, when they received a note from their father. Right before he took part in the Normandy invasion, he wrote, I am so proud of both my daughters and think you are the finest girls in the world.

Sergeant Cook would not see his daughters again. He died 6 days after D-day on June 12, 1944. But I know if he could be here today he would be just as proud to see his children and grandchildren growing strong in a world that is safe and free.

And I also know that Sergeant Cook's daughters, along with all of us, are just as proud of him, of his service and his sacrifice to keep America strong and out of harm's way; and we are no less grateful today, 50 years later, than we were on the day when victory was won.

And there is one final group that deserves special recognition today, those who served America during war and then came back home, rolled up their sleeves and served America during peace in this great building, in this wonderful Capital City, as Members of the U.S. Congress, redeeming the promise of self-governing—patriots like Representative HENRY HYDE and Senators DANIEL INOUYE, STROM THURMOND, and BOB DOLE. They answer the call to duty every day and every hour by serving the American people, reaching across party lines to work together, united as Americans, assuring our land and our citizens will be secure in a world that is free, building opportunity for all.

So, today, let all of these examples, whether sisters in Maryland, children in a family in Oklahoma, or Members of Congress from all across this great land, that the examples of these brave men and women be an inspiration to all of us. Let us remember the noble purpose which animated their efforts a half century ago and in that spirit let us continue to work together to create a world where peace, prosperity, and happiness for all are not goals for tomorrow but the realities we enjoy today.

The SPEAKER. Representative HENRY J. HYDE enlisted in the U.S. Navy on Veterans Day, November 11, 1942, and was commissioned an ensign in the U.S. Navy Reserve in October 1944. He served in the South Pacific, New Guinea, and the Philippines. He continued his military career in the Naval Reserves until 1968, retiring with the rank of commander.

The Chair recognizes the Honorable HENRY J. HYDE, Representative from the State of Illinois and chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, Mr. President, we are met today to pay tribute to the millions of Americans who, in the face of tyranny and aggression, answered "yes" when their country called.

To serve one's nation is always an ennobling experience. That is especially true when that service and the sacrifice it entails is performed in the context of a great struggle for freedom. And that, my friends, is precisely what World War II was: A great struggle for freedom, on whose outcome hung the fate of liberty and justice and decency in the world.

The years, now over 50, have had their way with us. We are fewer and grayer and slower, but the words of Lord Tennyson were never more appropriate:

Tho' much is taken, much abides; and tho'
We are not now of that strength which in old days
Moved earth and heaven; that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

When you visit the Vietnam Memorial, those 58,196 names overwhelming; but a World War II memorial would contain 291,557 names of U.S. military killed in action. And add to that our war dead in Korea and the First World War and this century, mercifully coming to a close becomes, the bloodiest century in all history.

We own an unpayable debt to those heroes of freedom whose gift of self, embodied in the performance of their duty, now rest in cemeteries in Normandy and throughout the islands of the Pacific. We commend their eternal souls to the mercy of God, in whose kingdom every tear will be wiped away.

But if we cannot repay the debt we owe our beloved dead, we may at least discharge some portion of it by being better citizens and neighbors ourselves. We may honor their sacrifice by building the kind of America they fought and died for, a land of liberty and justice for all, a decent and tolerant society, a community of civic friendship, a leader in freedom's cause in the world.

Every war produces its heroes, not all of them acknowledged. One of my heroes is Congressman BOB STUMP of Arizona who, at barely 16 years of age, exaggerated his age so he could enlist in the Navy. We both participated in the invasion of Luzon in the Philippines, January 9, 1945; but we never knew each other back then.

Another hero of mine lies buried in a cemetery at Normandy. In June 1994, as a Scottish bagpipe band played the

piercing mournful strains of "Amazing Grace," I walked up to a white cross to read his name, but there was no name, just the words: "Here lies, in honored glory, a comrade in arms—known but to God."

Sacred scripture tells us there is a time for weeping. Pope John Paul II told us last week that:

> We shall see that the tears of this century have prepared the ground for a new springtime of the human spirit.

And so today, 50 years later, rather than mourn our Nation's war dead, let us thank God that such men lived.

Vice President GORE. Senator DANIEL K. INOUYE entered the U.S. Army 1 year after the attack on Pearl Harbor, joining the legendary 442d Regimental Combat Team, a unit comprised solely of Japanese-Americans. He fought in Italy and France, gaining a battlefield commission to second lieutenant. He was gravely injured on April 21, 1945, when he lost his right arm to a rifle grenade. He won numerous awards for his service, rising to the rank of captain before being discharged in 1947.

It is an honor to recognize for remarks the Honorable DANIEL K. INOUYE, Senator from the State of Hawaii and ranking minority member of the Committee on Indian Affairs. Senator INOUYE.

Mr. INOUYE. Mr. Speaker, Mr. President and my fellow Americans, during the past 4 years, Americans have gathered in cities and towns and villages throughout this land and in strange places with strange names like Guadalcanal, Iwo Jima, Anzio, Normandy, Guam, and in many other places to honor the 299,131 American men and women who stood in harm's way and gave their lives on our behalf. Thousands upon thousands of our fellow citizens participated in parades and festivities, and many inspiring speeches were heard.

As a veteran of that war, I am grateful to America for the many honors bestowed upon our fallen comrades; but, most respectfully, I feel that these glorious parades and inspiring speeches may have missed the real essence of why we were victorious, what made us win.

I remember the thousands upon thousands of schoolchildren scouring the countryside looking for scrap metal, tons of scrap metal that found its way to the front lines as bullets and bombs.

I remember the many thousands of victory gardens in every village, hamlet and town, gardens that produced over one-third of all the vegetables that we Americans consumed during that war.

I remember the long lines of citizens to give blood and to buy war bonds.

I remember the 866 American ships, merchant ships, that were sunk by submarines, carrying our cargo and the nearly 7,000 American seamen who rest at the bottom of the sea.

I remember those gallant ladies, wives and sweethearts who rolled up their sleeves and took over the places of their loved ones at the assembly lines and took over the tractors and the farms until the men returned. And I recall that, at that moment, the productivity of our Nation rose by over 25 percent in less than a month. The record shows that these sweethearts of America helped to build over 60,000 tanks, over 120,000 ships and over 300,000 aircraft.

And I recall that in the early days of this war, when the days were the darkest, more than 6 million men and women, our fellow citizens, volunteered. High among this list of volunteers were Native Americans, our first citizens, the Indians, who volunteered in larger numbers per capita than any other group.

Something happened to America at that time. I am not wise enough to know what it was, but it was the strange, strange power that our Founding Fathers experienced in those early uncertain days. Let's call it the spirit of America, a spirit that united and galvanized our people. We were ready for any challenge, any obstacle.

My fellow Americans, today the obstacles and challenges are many, but I ask where is that spirit? Eight days ago, a verdict was announced in a Los Angeles courtroom, and experts throughout this land sadly suggested that our land was divided. All of us know that, or at least we should know that, that our land is dangerously divided and dangerously polarized.

What are we, the elected voices of America, doing? Sadly, what most Americans hear are the sounds of dissension, discord and division on Capitol Hill. Instead of the great and grand voice of reason, they hear angry shouts. They see party leaders congratulating themselves on party line votes in the Congress. Americans need not go to Los Angeles to see division. They can just watch the Congress.

If we are to appropriately remember and honor those 299,131 men and women who gave their lives in the defense of freedom and in that great war, let us begin by discarding those sounds of division. Let us begin by demonstrating that we are capable of calm and resolute leadership. Let us begin the process of restoring that spirit of America that blessed us at the time of our Revolution and the Great War. We can do no less.

The SPEAKER. The U.S. Army Chorus and the U.S. Coast Guard Band will now present "Songs of the GI."

The U.S. Army Chorus and the U.S. Coast Guard Band presented "Songs of the GI." [Applause.]

The SPEAKER. Representative G.V. "SONNY" MONTGOMERY is one of the veterans' best friends. He entered World War II as an enlisted person, was awarded the Bronze Star for valor, earned three Battle Stars and attained the rank of captain by the end of the war. He was recently awarded the Department of Defense Medal for Distinguished Public Service by Secretary Perry because of the success of the Montgomery GI bill in recruiting, retention and readjustment to civilian life.

The Chair recognizes and wishes also to take a moment to express his personal feelings that we will all miss you upon your retirement next year and hopes that all will recognize the Honorable SONNY MONTGOMERY, representative from the state of Mississippi and ranking minority member of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Thank you very much. Maybe, Mr. Speaker, I should reconsider.

Mr. Speaker and Mr. Vice President, my appreciation to the minority leader for giving me this opportunity to honor World War II veterans, their families and those who paid the supreme sacrifice.

When we think of World War II, we also must think of those who were on the home front. They gave us the planes, the guns, the ships and the tanks to win the war. As mentioned, I was a combat veteran of World War II, and I saw the guns and tanks improve as new equipment came to our armored division, and we finally got tank guns better than the Germans.

There are 24 World War II veterans in the House today and 20 in the Senate. Our numbers have dropped off over the years. Thirty years ago, 55 percent of the Members were World War II veterans.

As bad as World War II was, some good things came out of it. The GI bill is an example. It was sponsored by the American Legion and passed by this Congress in 1944. This bill gave returning veterans educational benefits, homes to live in, priority on Federal jobs and good medical care.

After the war, we realized the United States had been an isolated nation. Most Americans did not even have a high school education. The GI bill helped change all of that, and some historians say this bill might be the most important legislation passed in this century.

The key point I want to make this morning is aimed at our young people: Freedom and democracy don't come without a price. More than half of the people living in America today were born after World War II. They need to know the great sacrifices that were made to preserve the freedom we all enjoy.

In 1994 and 1995, Congressman BOB STUMP and I led House delegations to Europe and then to the Pacific to celebrate the 50th anniversary of the war's end. In visiting the American cemeteries in Europe and the Punch bowl in Honolulu—HENRY HYDE touched on

this—I was greatly moved as I walked among the crosses and Stars of David of young Americans who had lost their life. Most were only 18, 19 years old. Some of the markers read, "This man is known only to God."

These 18- and 19-year-olds answered the call of their country and should never be forgotten.

In Washington, thanks to Congresswoman MARCY KAPTUR and others, a World War II memorial will be built on The Mall near the Vietnam and Korean memorials. The site has been approved and design and fund-raising are in progress. It will take at least 5 to 7 years to complete the project. This memorial is important, but it does not discharge the debt we owe to those who served.

Many veterans across the country were in Honolulu in August celebrating VJ day. A Honolulu newspaper headline read:

> The old World War II boys and girls are in town for their last hurrah, so let's let them have a good time.

Maybe this is our last hoorah, but the newspaper should have also have said, these citizen-soldiers from small towns and big cities were with us when we needed a win.

I close with a comment that former President George Bush made on Pearl Harbor Day in 1991. He said:

> The lessons of World War II will live on and well they should: preparedness, strength, decency and honor, courage, sacrifice, the willingness to fight and even die for one's country.

The commitment to duty, honor and country was strong among those who served in World War II. Today, we might be a little bent over, slightly overweight and we walk with a limp, but our heads are high with the pride of serving this great country.

God bless these wonderful veterans, wherever they are. Thank you.

Vice President GORE. Senator STROM THURMOND began his military career on January 9, 1924, when he was commissioned a second lieutenant in the U.S. Army Reserves. He entered active service in 1942 and was assigned to the 82d Airborne Division, parachuting into Normandy, France, on June 5, 1994. He was awarded five Battle Stars, 18 decorations and numerous medals and awards. He continued his military service in the Army Reserves rising to the rank of major general.

The Chair recognizes the Honorable STROM THURMOND, Senator from the State of South Carolina, President pro tempore of the Senate and chairman of the Committee on Armed Services. Senator THURMOND. [Applause].

Mr. THURMOND. Mr. Speaker, Mr. President, it is an honor for me to address this joint meeting of Congress to commemorate the 50th anniversary of the end of the Second World War; and it is my privilege to cochair this event with my able and distinguished colleague from South Carolina, Congressman FLOYD SPENCE.

It is appropriate that we commemorate the end of the war, for it is truly a defining moment in our history. It is also fitting that we honor the memory of those who supported the war effort, those who served and particularly those who fell.

Many individuals worked unselfishly and to the limit of their ability to achieve the victory. Many contributed their best efforts to provide our soldiers, sailors, airmen, marines, Coast Guardsmen and merchant mariners with the means they needed to prevail. Many served in uniform and placed their lives at risk and many paid the ultimate price.

We pause today to remember these sacrifices because each one was an essential component of our overall success and, without them, our world today would be a very different place. We pause to express our formal appreciation of those who placed the value of liberty and the future of our civilization above their own personal safety and comfort. Our hearts go out once again to the parents and loved ones whose loss has been so great.

This is also a day to recall the bravery of individuals who were decorated and particularly those who were awarded the Medal of Honor. In the Chamber today are three veterans who were awarded the Nation's highest honor whom I would like to recognize:

Col. Charles Murray, who personally attacked an enemy position of more than 200 soldiers, then led the platoon to capture their objective and despite serious wounds refused medical attention until his men were deployed for a counterattack.

Capt. Maurice Britt, who endured multiple grenade and bullet wounds in an intense firefight but refused medical attention and led a small group of his men in repelling a very strong enemy attack.

And Rear Adm. Eugene Fluckey, who entered a harbor containing more than 30 enemy ships while commanding the submarine U.S.S. *Barb*. He destroyed six of the enemy ships, escaped the harbor with his boat and crew, and sank another ship 4 days later.

I am proud to recognize these fine Americans who are with us today.

The event we commemorate today is in sympathy of the military victory of the allies over the Axis powers. The end of the Second World War means much more than that. It signifies the end of a period of tyranny of a magnitude and scale previously unknown in the world. The images of combat in this war are horrible, as are those of the concentration camps, the senseless murders of civilians and the mistreatment of prisoners of war.

Today, we commemorate the end of an event that continues to serve as a warning to aspiring dictators that men will bear any hardship to secure their ultimate freedom. This event is also a powerful symbol and indicator of what good people working together in a just and righteous cause are capable of achieving. It also serves to remind free men that freedom is not free and that freedom is always worth the price.

There is a panel inside the rotunda of our U.S. Capitol depicting freedom in the form of a woman with her soul upraised chasing away a figure depicting tyranny. That sentiment, expressed by the artist Bernini 150 years ago, is the same heartfelt sentiment of our Founding Fathers, of those who sacrificed in the Second World War and of those of us here today.

Let us dedicate ourselves to a future anchored on that sentiment and worthy of these sacrifices.

Mr. Speaker and Mr. President, I thank you for this opportunity to honor our veterans, their families and also those who served on the home front. God bless our veterans and God bless this great country for which they fought.

The SPEAKER. It is an honor for me to introduce our next speaker. He is a distinguished World War II veteran who was awarded the Medal of Honor for his uncommon valor, leadership and inspiration during the bloody battle of Guam in July 1944.

During that battle, Marine Capt. Louis H. Wilson commanded his company through some of the Pacific war's most vicious combat. During several continuous days of battle, he led his men, spearheading attacks and repelling enemy counterattacks.

He was wounded three times, yet denied first aid for himself until he saw to the needs of his men. For his heroic actions on Guam, he was awarded the Medal of Honor. He went on to become the 26th Commandant of the U.S. Marine Corps.

The Chair recognizes Gen. Louis H. Wilson, U.S. Marine Corps retired, an esteemed World War II veteran Medal of Honor recipient and former Commandant of the Marine Corps.

General WILSON. Thank you, Mr. Speaker, Vice President, ladies and gentlemen of the Senate and the House of Representatives and distinguished guests.

Today, I stand before you representing over 17 million American men and women who served our Nation in the Army, the Navy, the Marine Corps, the Coast Guard and the Merchant Marines during World War II. The war engulfed the world and shook our country. Americans from all walks of life and from every State and territory in our Union joined in the struggle that ultimately saved the very concept of freedom and democracy.

Today, we begin to close the commemoration of a victory 50 years ago. That victory is not without an incredible toll in lives and effort by those individuals in the Armed Forces that

won that war and the families who sacrificed so much.

These young Americans of five decades ago were plunged into a war which had a scope and intensity hardly conceivable today. They did not seek or expect the war which descended upon them, yet these ordinary citizens rose brilliantly and selflessly, leaving homes and families in answer to their country's cause. They joined in a united effort and relentless struggle to defend liberty and did so on land, in the air, on and under the sea, in tropic heat and arctic cold, in rain forests, mountains, deserts around the globe.

During the 4 years of this war, they suffered torment, disease, and near starvation. They lost their youth, their health, and, far too many, their lives. More than 290,000 Americans gave their lives, over 670,000 were wounded and more than 105,000 suffered as prisoners of war.

Our victory changed this Nation forever. It transformed the generation which had grown up in despair of economic depression. It accelerated the movement toward true equality for all, which continues to this day. Most important of all, it brought hope and belief in the future, opening the way for the most prosperous economy in the history of mankind and powering an unprecedented advance of science and technology. None of this could have occurred without the men and women of a half century ago who fought for our country's freedom, and, as you have heard, some of whom are in this very room today.

The marvelous world which we have today and the wonders of the age which we now enjoy were made possible by the noble sacrifices of each of those who fought against tyranny and oppression. As the half century anniversary of the end of World War II draws to a close, we mark a significant milestone in our Nation's history and in our goal for a better life, a better life not just for Americans but for all peoples of the world.

The end of the World War II was the beginning of a new era. It brought the light of freedom to millions who had known only the bonds of colonial servitude. It brought a belief in the common interest of all nations in the preservation of peace and prosperity. In the intervening 50 years, the lives of almost everyone here and in the world has been enhanced beyond comparison.

And as we pass the torch to future generations we are confident that America remains ready for the challenges to come. I am certain that our Nation today has the same caliber of patriots as those who brought us victory in World War II. And when our country is called upon to rise again to an equally difficult task, let us pray that it is served by men and women such as those who served 50 years ago. If so, our Nation will be well served indeed. [Applause.]

The SPEAKER. The Honorable Robert H. Michel, former Republican leader of the House of Representatives, was elected to the 85th Congress and for 36 years served the constituents of Peoria, IL, with great distinction until his retirement at the end of the 103d Congress.

During World War II, he also served with great distinction. He was a combat infantryman in England, France, Belgium, and Germany. Having been wounded by machinegun fire, he was discharged as a disabled veteran after being awarded the Bronze Star, Purple Heart, and four battle stars.

At this time, the Honorable Robert H. Michel will lead the U.S. Army Chorus in singing "God Bless America."

Mr. MICHEL. Mr. Speaker, and Mr. President, distinguished members of the military, my colleagues, and ladies and gentleman, I am deeply honored that you should call me out of retirement to lead the singing of "God Bless America." But before doing so, let me take just a moment.

I have always been very proud of the fact that I was privileged to serve my country for better than 40 years, both in the military and in this Congress. And it seems to me that those of us outside of Government, outside of the military, owe the utmost of respect to both the military and to our three coordinate branches of Government that represent civil authority.

And, you know, we really ought to be proud of our country, if for no other reason than in the last few years the majority of emerging democracies are opting for our system of government. That ought to make us all mighty proud, whether we are in the military, whether we are in the civilian authority.

So, for me, I thought what a privilege and a pleasure to be asked back to lead you all with our good friends from the Army Chorus, the U.S. Coast Guard Band and join this old soldier in singing "God Bless America."

The United States Army Chorus rendered "God Bless America." [Applause.]

Vice President GORE. Senator ROBERT DOLE enlisted in the United States Army in 1943 and served as a first lieutenant with the Tenth Mountain Division in Italy. He was gravely wounded during the battle of Mount Belvedere, north of Florence, and was twice decorated for valor. His decorations include two Purple Hearts and a Bronze Star with oakleaf cluster. He was discharged with the rank of captain.

After helping the veterans gathered here and others to win World War II, he continued a personal battle against the injuries sustained in service to this country. Anyone who knows the story of BOB DOLE's victory and that personal battle knows something about true courage.

The Chair recognizes the Honorable ROBERT DOLE, the majority leader of the Senate and Senator from the State of Kansas.

Mr. DOLE. Mr. Speaker, Mr. President, my House and Senate colleagues and fellow veterans, and I know there are many here today and many in the gallery, men and women:

I might add, as I have been sitting there listening to other speakers, you think about a lot of things. I thought about Percy Jones General Hospital, where DAN INOUYE was the best bridge player in the hospital. He played all night long and all day.

I remember Col. Philip Hart. The Hart Building is named after Colonel Hart. We were on the same ward together. I was a second lieutenant; he was a colonel. He was out running errands for me. I couldn't believe it, but it happened.

You think about your best friends who didn't come back. You think about a lot of things. And then you think about what Oliver Wendell Holmes said. He said, "In our youth, our hearts were touched by fire."

I think the same is true for my generation. Our hearts were also touched by fire as we united from the front line to the factory line to save the world for democracy.

And I know I speak again for all veterans here today, men and women, in saying that we consider ourselves fortunate that we returned home after the war and today, like every day, we should remember those courageous Americans who made the ultimate sacrifice for their country.

Americans like 23-year-old Lt. William Ford, Jr., who lost his life in an Air Force training mission on October 1, 1943; and Americans like his 21-year-old brother, Sgt. John Ford, who was killed less than 2 weeks after William when his aircraft was shot down over New Guinea 52 years ago tomorrow.

And with us on the House floor this morning is William and John Ford's mother, Mrs. Anastasia Ford. Mrs. Ford, would you please stand?

To you, Mrs. Ford, and to all those loved ones who gave their life for their country, America offers our respect and our appreciation and our enduring prayers. And you also have our promise that the best way, indeed the only way, to honor the memory of David and John Ford is to ensure the survival of the ideals for which they fought and died.

That was the message delivered from this podium just over 50 years ago when my hero, Dwight Eisenhower, addressed the House of Representatives. We are honored that his son, John, is here today.

John, we are honored to have you here. Please stand, John.

And General Eisenhower came that day to thank the 3 million American soldiers who had served under his command and to express our thanks for the support we had received from the home

front. And he spoke for the ages when he said that, and I quote, "There is no doubt that our people's spirit of determination will continue to fire this nation through ordeals yet to come.".

And one of the great lessons of this century and the legacy of an entire generation is that Ike was right. America has faced many ordeals in the past half century, and the spirit of determination of the American people fired our country through all of them.

So as we remember and pay tribute to the last 50 years, we must look ahead to the next 50 years, particularly Senator THURMOND, to the ordeals we face now and those yet to come: Ordeals like the budget deficit that threatens our children's tomorrow and the scourge of drugs that threaten their today.

In looking forward, it should become clear to my generation and to all generations that our work is not yet finished and our mission is not yet complete.

So as we leave this Chamber today let this Congress and the American people resolve to face our ordeals and tackle our problems with the same spirit of determination, the same courage and the same unwavering belief in the rightness of our mission that we displayed 50 years ago when our hearts were touched by fire and when America saved the world.

The SPEAKER. The benediction will be given by the Reverend Lloyd John Ogilvie, Chaplain of the U.S. Senate.

The Chaplain of the Senate, the Reverend Lloyd John Ogilvie, offered the following benediction:

Verses from the 46th Psalm provide an appropriate conclusion to this ceremony.

The Lord of Hosts is with us. Come behold the works of the Lord for He makes wars to cease. Be still and know that I am God. I will be exalted in the Earth. I will be exalted among the Nations.

Let us pray. O Lord God of hosts, be with us yet lest we forget, lest we forget. As we conclude this period of national celebration of the end of World War II, keep us mindful that it was because of Your intervention that we were able to break the back of tyranny. May we never forget the supreme sacrifice of so many to accomplish so much to liberate humankind from the evil grip of a brutal enemy.

And, Lord, sharpen our memories of what can be done when we trust You completely and work together in unity in a cause of patriotism that demands our utmost for Your ultimate purpose for our Nation. May our greater loyalty to You and what is best for our Nation overcome our secondary party spirit that often divides us.

Lord, bring us together as we claim Your supernatural wisdom in solving the problems that confront us and Your strength and courage for grasping the full potential of Your destiny for our great Nation. In Your victorious name, O Jehovah shalom, the only source of lasting peace, who calls us to be peacemakers together. Amen.

The SPEAKER. Members and guests will stand for the retirement of the colors.

The colors were retired from the Chamber.

The SPEAKER. At this time, the Members of the Senate will retire.

The Members of the Senate retired from the Chamber.

The SPEAKER. The purpose for the joint meeting having been fulfilled, the joint meeting is concluded. The House will continue in recess until approximately 11 a.m.

The honored guests retired from the Chamber, at 10 o'clock and 16 minutes a.m. The proceedings to close the Commemoration of the 50th Anniversary of World War II were concluded.

□ 1101

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SHAYS] at 11 a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD.

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

There was no objection.

50TH ANNIVERSARY OF WORLD WAR II

(Mrs. FOWLER asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. FOWLER. Mr. Speaker, like many Americans, I have taken a great deal of interest in the events commemorating the 50th anniversary of World War II. Particularly fascinating to me have been the reminiscences of veterans and civilians who came through the great struggle and lived to tell the tale. Their stories illustrate both the huge scope of the conflict and the personal toll it exacted on individuals and families.

More than 16 million Americans, including my father served in the U.S. Armed Forces during the war. Of those, more than 400,000 lost their lives, and thousands more were grievously injured. Others were separated from their families for years, fighting in far-off lands or holding on to the hope in dreary POW camps.

In peacetime, it is all too easy to forget the courage and commitment of these Americans, and the heavy price they paid for our freedom. It is also easy to take for granted the important work our men and women in uniform still do every day.

This commemoration has served as an important reminder of these things. One of the greatest tributes our Nation can pay to those who gave so much is to maintain a strong national defense—both to protect what they bought at such a great cost, and to ensure that no lives are lost in the future because we were caught unprepared.

Albert Pike once said that what we do for ourselves dies with us, but what we do for others remain and is immortal. As this commemoration ends, let us all remember the immortal contributions of those who offered up everything they had so that we might live in the sunshine of freedom. And let us renew our commitment to maintain that precious gift so that their sacrifice will not have been in vain.

THE 50TH ANNIVERSARY OF END OF WORLD WAR II

(Mr. STUMP asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STUMP. Mr. Speaker, I am proud to be one of 21 current Members of the House of Representatives being honored for military service during World War II.

We, along with the millions of other young men and women who served our country in uniform during that war, strongly believed we were each doing our part for America.

We all served together, side by side. One people, one war, one commitment, and one objective—to restore the peace and the freedom to those overwhelmed by tyranny.

Mr. Speaker, Americans of all religions, of all races, and of diverse political philosophies, came together on the battlefield and on the homefront, helping to extinguish the flames of oppression and the evil that infected mankind throughout the world. America provided a beacon of hope in a dark sea of despair.

On our road to victory in World War II, the names of the battles and the campaigns are engraved in the annals of war and history. The blood of thousands of brave young Americans consecrate innumerable battlefields around the world: Pearl Harbor, Bataan, Coral Sea, Corregidor, Midway, Guadalcanal, North Africa, Sicily, Solerno, Anzio, Tarawa, Monte Cassino, Normandy, Saipan, The Philippine Sea, Peleliu, Leyte, Luzon, the Bulge, Iwo Jima, and Okinawa.

Mr. Speaker, although that war brought out the frenzied depravity in man—the Holocaust, Manzinar and other Japanese relocation camps, racial segregation, ethnic cleansing, criminal mistreatment of allied POW's, and the destruction of more than 55 million men and women, certain historic events symbolized the benevolence of Americans as well. The Red Cross, the Homeguard, Gold Star Mothers and Wives, War Bonds, care packages, and the reconstruction of Germany and Japan.

The Commemoration of the 50th Anniversary of World War II will end with a closing week of ceremonies in November. Although, this event will mark the official end of commemorations, we must never forget to honor those brave men and women who served in the war that changed our future.

Mr. Speaker, this generation of Americans had a rendezvous with destiny. Fifty years ago

last month, General MacArthur stood upon the deck of the U.S.S. *Missouri*, in Tokyo Bay, to receive the unconditional surrender of the Empire of Japan. In MacArthur's closing remarks, he spoke directly to the mothers, the fathers, the wives, and the sweethearts of those men and women back home.

And so my fellow countrymen, today I report to you that your sons and daughters have served you well and faithfully . . . their spiritual strength and power has brought us through to victory. They are homeward bound—take care of them.

Mr. Speaker, I would say to my fellow Americans, to take care of them as well. I speak to the spouses, the children, the grandchildren, and the friends of those brave patriots who served this country in war. Please continue to care for them. They deserve it, and they have earned it.

In the 50 years since they have returned home, they have faithfully served this country with dignity, and with strengthened character. They have all helped to create the single greatest country on the face of the earth, and have altered, for the better, the future of mankind, both at home and abroad.

Mr. Speaker, for those who are no longer with us, there are no words to adequately describe the supreme sacrifice each has made in the service of their country.

But words in the context of why we honor their memory, pale in comparison to the ultimate deed that these brave Americans have done for us now living in a free world. We must all sustain the memories of their heroism and their service with respect, with reverence, and with our heartfelt affection.

Our humble words can never repay the debt that we owe these great men and women, yet, we can strive to keep their faith and to uphold their vision which led them into battle and to their final sacrifice.

Mr. Speaker, we are, after all, the caretakers of their memory.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 94. Concurrent resolution authorizing the use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Raoul Wallenberg in the Capitol.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that we will have fifteen 1-minute speeches on each side.

MEDICARE REFORM A SMALL BUSINESS PRIORITY

(Mrs. KELLY asked and was given permission to address the House for 1 minute.).

Mrs. KELLY. Mr. Speaker, I rise this morning to mention one of the other reasons we must reform Medicare—our Nation's small businesses.

It is conservatively estimated that employer costs will rise by more than 125 percent in only seven years, if we fail to fix Medicare. Mr. Speaker, what small business can survive overhead like that?

Our Nation has more than 20 million small businesses, and it is these organizations which have made us the super power we are.

They are the engines of innovation and growth in our economy, providing virtually all the new jobs in our country over the past 10 years.

My State is the 2d most taxed State in the Nation, and my district is the 12th most taxed district in the country. I ask you, Mr. Speaker, how can I justify this increased burden on my small businesses?

Mr. Speaker, I hope that when the fearmongers start throwing their fictitious claims they remember the 37 million beneficiaries and our 20 million small businesses, rather than just their petty political goals.

SYMPTOMS IN THE HEADLINES

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

Mr. TRAFICANT. Mr. Speaker: Prosecutor executed in Boston; World Trade Center bombed: Federal building blown up in Oklahoma: Amtrak train sabotaged in Arizona; A mailbox Unabomber that is killing people through mailboxes: 25,000 murders a year; in some cities high school dropout rates over 50 percent.

I believe these are symptoms, Mr. Speaker, and Congress is addressing them as problems. Maybe the problems will be found in the Federal laws that reward dependency, penalize achievement, subsidize illegitimacy, kill families, kill investments, kill jobs.

I say to my colleagues: without jobs we will continue to have the symptoms that are the headlines of the U.S. papers.

THE REPUBLICAN PLAN PRESERVES AND PROTECTS MEDICARE

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

Mr. TIAHRT. Mr. Speaker, this weekend I spoke with my parents, and they are very concerned about the bickering that is going on over Medicare. This morning, in honor of the World War II veterans, we heard Senator INOUYE ask that we work together to attack our common problems here in America. Well, Mr. Speaker, here are the facts on Medicare:

The President's board of trustees has told us that by 2002 Medicare will be bankrupt. The Republicans have a plan to preserve and protect that program. The plan includes the fact that no senior will be required to give up their Medicare benefits, that the payments will go from $4,800 per year per beneficiary this year up to $6,700 per year per beneficiary. They will also offer options to seniors for other types of Medicare plans.

Mr. Speaker, some Members of Congress would try to scare our seniors into supporting opposition to this plan. It is a good plan. I request the seniors in America to call their Congressman and support the Republican plan to preserve and protect Medicare.

TRUTH IN THE DETAILS

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

Mr. KNOLLENBERG. Mr. Speaker, for all my colleagues who tried to scare the American public into believing that the devil was in the Republican Medicare plan, they forgot one thing, the truth is in the details, and in the marketplace of ideas, the truth will prevail.

The 1960's Medicare System is going broke. The Democrats know it, the Republicans know it, and the American public knows it. The truth in the details about the Medicare Preservation Act, is this:

There are no cuts in Medicare spending, we increase per beneficiary spending by $1,900. There is no increase in Medicare copayments. There is no increase in Medicare deductibles. And there is no change in the current rate of Medicare premiums. Most importantly, the $270 billion saved by Medicare under this proposition will be kept in Medicare to ensure its solvency for years to come.

Mr. Speaker, the truth is in the details.

LET US TALK ABOUT DETAILS

(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, I think it is very important to talk about the details. Let us talk about what is going on with Medicaid. Some of those details we know. There was no hearing, but, nevertheless, the Committee on Commerce has marked up the bill.

And let us talk about some of the, I think, very non-family-friendly things that they did:

If a couple suddenly finds one of them very, very ill and needing nursing home care, they did away with the 1988 statute that we passed, and now the entire couple's resources must be expended before they can go on Medicaid.

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Mr. Speaker, in 1988 we said that was not fair, the resources should be divided between the two, and they only had to deplete half because the remaining family members should not have to be poor. It also allows us to reach out and go back to the adult children and attach their homes. We always felt that that was not fair either, that nobody wants to be dependent upon their children, and it also removed the standards that we fought so hard for in nursing homes.

Mr. Speaker, kennels will have more standards than we will have in nursing homes.

THE TRUTH

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

Mr. KIM. Mr. Speaker, I am really concerned about this assault and accusation that the Republicans are trying to give millions and millions of dollars' tax credit to rich people at the expense of poor, elderly people by cutting Medicare spending. I am really concerned. This is a bunch of lies.

Let me tell my colleagues exactly what happened.

Here is a tax credit; they are talking about tax cuts, which is $500 tax credit for child support. That money does not come from Medicare spending. It comes from actually non-Medicare spending cut, which is about $622 billion. None of that Medicare money going to tax cut.

The second lie: Republicans just passed amendment to Medicare bill which prohibits any money being transferred from Medicare fund to other, other account.

Come on, let us stop this rhetoric. No money shall be transferred for the Medicare to other funds except Medicare trust fund itself. That is the truth.

AMERICA'S SENIORS BEING SOLD UP THE RIVER

(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, backroom deals are becoming the standard for this new Congress. Last night, after a closed door meeting with Speaker GINGRICH the American Medical Association reversed its position and announced the association will now support the proposal.

According to the New York Times, a representative of the AMA reported that the organization reversed its position because "doctors would receive billions of dollars more than the Republicans had planned. But he and Mr. GINGRICH refused to give the details, nor would they specify which other groups might receive less money to make up the difference."

Well, why do we not make an educated guess? Medicare savings can only be achieved by cutting from providers or from beneficiaries. And, if the Republicans are not cutting from providers then guess who is making up the difference? America's seniors.

While Republicans buy off the special interests, it is America's seniors who are being sold up the river.

NO CONNECTION BETWEEN CUTTING TAXES AND MEDICARE

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

Mr. HEFLEY. Mr. Speaker, liberal Democrats are, I believe, at the end of their rope. They know that action must be taken to preserve Medicare for future generations. But they come to the well and spew the grossest class warfare slogans I have ever heard.

Democrats go on and on about tax cuts for the rich.

But, least we forget, to a Democrat, anyone who has a job is rich. Anyone who has children is rich. Anyone who pays taxes is rich.

Mr. Speaker, there really is no connection between cutting taxes and Medicare. Medicare is going bankrupt—period. That has nothing to do with tax rates, or capital gains tax rates, or what level of income pays the biggest share of the tax burden.

But one thing is clear—Medicare is going bankrupt. No matter how hard they cry and scream about tax cuts, Democrats have not lifted one finger to save Medicare. And that is wrong.

EXTREME CUTS NOT NEEDED IN ORDER TO SAVE MEDICARE

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

Mr. GENE GREEN of Texas. Mr. Speaker, just so my colleagues know that there are two sides to the debate, Medicare is not going bankrupt until, not going bankrupt until, the year 2002, and we can change Medicare by cutting over the next few years and increasing beneficiaries' costs may be $90 billion, not $270 billion. That is why the Republicans are scared, because the American people are not buying what they are trying to sell them. It is a tax cut of $245 billion over that same 7 years and a Medicare cut of $270 billion.

Mr. Speaker, the American College of Physicians and Surgeons, the AARP, finally came off of dead center and said it is wrong. We even have a freshman Republican doctor who has been quoted as saying, "I guarantee you that these reductions will be bad for quality health care, not just for our senior citizens, but also for working people."

Hello. Earth to the other side of the aisle. Listen to your own people. These extreme, and that is extreme, cuts do not need to be made to save Medicare, only $90 billion, not $270 billion.

PROUD TO BE A PART OF MEDICARE REFORM

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, let me correct the statement that was just made. It is not $90 billion; $90 billion in the Democrat plan takes us out to the year 2006. Guess what? There are 4 more years before the baby boomers arrive, and that is where the real problem exists. Our reform takes us out to that point, and there is a $300 billion difference in their plan and ours. They do not fund Medicare.

As my colleagues know, today is an important day for me because I am 65 and I have got a Medicare card. Guess what? I worried about it because of the bankruptcy, so I have spent months working with doctors, hospitals, nursing homes, insurance companies, and seniors in my district, as have a lot of us around the country, to save Medicare and find a solution. As my colleagues know, we have come up with a smorgasbord of choices, and I am proud to have been a part of the reform effort, not only for myself, but for every American who depends on Medicare. I am proud knowing that Congress has not just looked toward the next election, but we have looked to the next generation to make a better America for our kids.

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HEALTH CARE IN RURAL AMERICA

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

Mr. DE LA GARZA. Mr. Speaker, I may be one of the few here that voted for Medicare, and the counterparts of the Members now that are complaining chastised me for having voted for Medicare when it was enacted in my first session of Congress.

I am concerned about rural America and health in rural America. The cuts proposed by our colleagues will increase the severe financial pressure on rural hospitals, and force some rural hospitals to close. Rural hospitals lose money on Medicare patients while urban hospitals make a small profit. Medicare accounts for almost 40 percent of the net patient revenue in the average rural hospital, as much as 80 percent in some rural hospitals. The Republican cut of $58 billion over 7 years, a 20-percent cut in 2002 alone, will almost devastate most rural hospitals. We need to look at that.

I went throughout my country. I did not see what my colleagues were saying in their prepared speeches.

The Republican Medicare cuts will force 9.6 million older and disabled Americans in rural America to pay higher premiums and higher deductibles for a weakened second class Medicare Program.

Medicare spending for people in rural areas of America will be cut by $58 billion over 7 years—a 20-percent cut in 2002 alone.

The Republican cuts will increase the severe financial pressure on rural hospitals in America and force some rural hospitals to close. Today, rural hospitals lose money on Medicare patients while urban hospitals make a small profit. Medicare accounts for almost 40 percent of net patient revenue in the average rural hospital, and as much as 80 percent in some rural hospitals.

According to the American Hospital Association, under the Republican cuts, the typical rural hospital will lose $5 million in Medicare funding over 7 years.

Rural Medicare recipients would lose much-needed doctors. America's rural Medicare recipients would need 5,084 more primary care physicians to have the same doctor to population ratio as the Nation as a whole. Yet the American Medical Association has stated that the cuts in Medicare are so severe that they "will unquestionably cause some physicians to leave Medicare." [New York Times, October 10, 1995.]

THE CLEVELAND INDIANS—A TEAM OF DESTINY

(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 thank my friend, the gentleman from Washington [Mr. METCALF], from the great apple- and fish-producing State, for his friendly wager on the outcome of the American League Baseball Championship series between the mightly Cleveland Indians and a team from Washington. I am sorry that I was not here yesterday to accept his bet immediately, but consider it done.

Mr. Speaker, I will wager an assortment of high-pressure hose fittings, high-quality roller bearings, and of course as much slab steel as the gentleman from Washington [Mr. METCALF] thinks that he can use. Cleveland, after all, is a working man's city, and we make stuff, we do not pick it off trees or pull it out of rivers.

However, since I am not sure how well industrial products are appreciated in the more agrarian regions of our great and vast country, I will also throw in a case of beer from our Great Lakes Brewing Co. and an assortment of Polish pierogies, German bratwurst, and Hungarian paprikash.

I do not mean to predict an outcome or want to sound overconfident, but just for the sake of clarification, I think the gentleman from Washington should know that I like my apples green and my salmon smoked.

The Indians are a team of destiny. No one knows more about overcoming adversity than the Cleveland Indians, except maybe House Republicans, and it is no coincidence that the last time the Indians won the pennant was the last time the Republicans controlled the House in sweeping proportions, just like the Indians will take the pennant this year.

The LOCKBOX IS A SHAM

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

Mr. BENTSEN. Mr. Speaker, all along, the Republican Medicare plan has been nothing but a shell game to design to hide that they are cutting Medicare to pay for tax cuts for the rich. The American people were not fooled, and they quickly caught on that Medicare would have to be cut by $270 billion if the Republicans were not also trying to cut taxes by $245 billion.

In fact, $150 billion of the Medicare cuts the Republicans propose having nothing to do with the insolvency proposed in part A, so the Republicans have now introduced a new gimmick: the so-called Medicare lockbox.

Each new explanation only makes the Republicans look more and more like a kid caught with his hand in the cookie jar. The fact is we have a single Federal budget with a single bottom line. Tax cuts and Medicare expenditures are both part of that bottom line. If you cut taxes by $245 billion, then you have to make up the lost revenues in order to balance the budget by 2002. The Republicans make up that lost revenue by cutting Medicare.

To claim that tax cuts are paid for from other cuts is absurd. The lockbox is a sham. Democrats want to fix Medicare as we always have, and the Republicans are not being honest about their intentions to raid Medicare to pay for tax cuts for the rich.

WE MUST LISTEN TO OUR CONSTITUENTS ON THE MEDICARE ISSUE

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

Ms. JACKSON-LEE. Mr. Speaker, I wonder whether anyone reads their mail. I take time to do it, and I think it is important as we debate this matter, since we are only having about half a second of hearings on Medicare, to really listen to the constituents.

I can tell you I am getting a lot of mail. From Sister Jane Abell of the Dominican Sisters:

I am opposed to the proposed Medicare and Medicaid cuts, especially when the Congress wants to give the Pentagon $7 billion more than they requested. In my view it is unjust to make the most vulnerable people in our society bear the brunt of needed cuts. I hope this issue will be more fully debated and more humane compromises reached.

Yes, Sister, I am going to be working on that and so are the Democrats.

Two senior citizens say:

My wife and I have had total of 14 operations. We spend $650 per 3 months for Medicare Plus insurance. About one-third of our retirement goes for medical. We do not need cuts, we need to clean up what we have and cut the waste.

That is what we are saying to the Republicans: Cut the waste and the fraud and abuse, do not take $270 billion out of Medicare just to give tax increases to those who well can afford it. Let me tell you something. If you listen to our hospitals, Texas Children's, our local community hospitals, they are saying, "Do not cut Medicare and Medicaid, do not cut services." Let us be rational, let us be real. Let us do something right for Medicare and for our senior citizens.

MEDICARE CUTS HURT

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

Mr. FARR. Mr. Speaker, last week I got a check in the mail.

At first I thought it was a check for having a flag flown over the Capitol.

But it wasn't.

Then I thought maybe it was a misdirected campaign contribution.

But it wasn't.

Then I looked again.

It was a check from a senior citizen in my district who is so scared she will lose her Medicare benefits, she wanted to contribute $10 to the government to make the system whole again.

She thought that if enough people contributed $10, everything would be all right and she could rest easy about the state of her health care.

Mr. Speaker, I wish I could give her that reassurance.

Not only did I send the check back to her, I had to tell her that the outlook was bleak for protecting her health care under current proposals now making their way through the reconciliation process.

It's a sad day in America that we've come to this point; that our senior citizens are so scared of our actions that they are begging us not to take away their health care.

I sent the check back but, unfortunately, it won't even begin to cover her Medicare cuts.

My constituent is going to need that $10 check. Actually, she's going to need a whole lot more.

TOO MUCH MONEY IN HEALTH CARE CUTS AND TOO MUCH MONEY TO THE AMA

(Mr. KLECZKA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, a lot of talk has been had today on Medicare. Let me make two quick points. No. 1, there is a solvency problem of Part A, the hospital trust fund, and we are told to extend the solvency to the year 2006 it will take $90 billion. In about 10 minutes the Democrats on the Committee on Ways and Means will produce their bill to save the Medicare trust fund, but although it takes $90 billion to save the trust fund, the Republicans are cutting $270 billion. I ask, why are they cutting three times as much as necessary, and after they cut $270 billion, they resolve the trust fund to the year 2006 also? Because the balance is going for tax cuts.

We had a committee meeting marking up the Medicare bill yesterday. There was an amendment to provide for mammography screening for women 65 and over. The amendment was defeated, with all Republicans voting against it, and the reason they say we could not provide this screening for women: We do not have the money. At the same time, the Speaker is sitting with the AMA giving them $3 billion in a payoff so they would come out and support the bill. Let us get real.

APPOINTMENT OF CONFEREES IN LIEU OF CONFEREE ON S. 440, NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995 AND S. 395, ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The SPEAKER pro tempore (Mr. SHARP). Without objection, the Chair appoints the following Members as conferees to fill the vacancies resulting from the resignation from the House of the gentleman from California [Mr. MINETA]: Mr. BORSKI, on S. 440; Mr. OBERSTAR, for consideration of House amendment No. 2 for the conference on S. 395.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. HEFLEY. 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 Banking and Financial Services, the Committee on Commerce, the Committee on International Relations, the Committee on the Judiciary, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and there is no objection to these requests.

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

There was no objection.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 234, and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 234

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. 2405) to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes. The first reading of the bill shall be dispensed with. 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 Science. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. The first section and each title shall be considered as read. An amendment striking section 304(b)(3) shall be considered as adopted in the House and in the Committee of the Whole. During 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. 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 Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. 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 234 is an open rule providing for the consideration of H.R. 2405, the Omnibus Civilian Science Authorization Act of 1995. The rule provides 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Science.

The rule provides that the bill be considered by title, rather than by section, and that the first section and each title be considered as read. Additionally, the rule provides for the automatic adoption of an amendment striking section 304(b)(3) related to rulemaking activities by the Department of Energy. The rule accords 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, H.R. 2405 consolidates the following seven bills into one measure:

H.R. 1814 authorizing appropriations for the environmental research, development, and demonstration activities of the Environmental Protection Agency.

H.R. 1815, the National Oceanic and Atmospheric Administration Authorization Act, which covers the National Oceanographic Service, the Oceanic and Atmospheric Research Administration, the National Weather Service, and other important functions.

H.R. 1816, the Department of Energy, Civilian Research and Development Act.

H.R. 1851, reauthorizing the U.S. Fire Administration, which coordinates the Nation's fire safety and emergency medical service activities, and educates the public on fire prevention and control.

H.R. 1852, the National Science Foundation Authorization Act.

H.R. 1870, the American Technology Advancement Act, which provides for the important technological invasions promoted by the Department of Commerce Technology Administration, and the National Institute of Standards and Technology.

H.R. 2043, the National Aeronautics and Space Administration Authorization Act, which will keep America at the forefront of space exploration and research.

Although the minority expressed some dissatisfaction with all of these bills, I would like to point out that each one was ordered reported by a voice vote, and reports were filed on each bill by the Committee on Science.

I salute the chairman, the gentleman from Pennsylvania, BOB WALKER, the ranking member, the gentleman from California, GEORGE BROWN, and all of the Members of the Committee on Science for their diligence and devotion in bringing this conference measure forward. I strongly support this bill, and this open rule will allow all Members to fully participate in the amendment process. I urge its adoption

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of October 10, 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	51	74
Modified Closed [3]	49	47	15	22
Closed [4]	9	9	3	4
Total	104	100	69	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 October 10, 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).
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	A: 304–118 (9/20/95).
H. Res. 226	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	

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.

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Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary 30 minutes of debate time to me. I yield myself such time as I may consume.

Mr. Speaker, this is an open rule. We do not oppose it, although we do have serious concerns about the way that the bill has been considered and has been brought before us. We find it very disturbing, in fact, that the majority on the Committee on Rules is condoning the process by which the Committee on Science considers this bill and by which the House will take it up today.

Seven separate authorization bills, six of them major ones, were rolled into one major piece of legislation. These were traditionally considered individually and they should have been this time as well, we believe. Instead of having 6 or 7 hours of general debate, as would ordinarily be the case, we will have only 1 hour of time, only for the most cursory type of debate on these seven separate pieces of legislation.

During the hearing process, we understand the legislation was often not made available so that Members could not ask about it and witnesses could not respond to specific legislative proposals. That meant that much of what the committee had recommended has no basis in the printed record of the committee's proceedings. Since H.R. 2405 was never reported by the committee, it is insulated from several points of order that apply only to committee-reported bills. That includes clause 5(a) of rule XXI, which prohibits an authorizing committee from reporting a bill that contains an appropriation of funds.

For example, Mr. Speaker, we understand that section 312 of the bill takes funds that have been previously appropriated for clean coal technology and permits them to be used to pay for termination costs of various programs zeroed out in title III. This section appears to permit a new purpose for funds that had been previously appropriated by the House.

Under the precedents of the House, this section appears to constitute an appropriation violative of clause 5(a) of rule XXI which prohibits an authorizing committee from reporting a bill that contains an appropriation of funds.

Mr. Speaker, if this bill had been reported by the Committee on Science, if it were being considered under the procedures the House would normally follow, a point of order would lie against section 312 of H.R. 2405.

Those are special concerns, and since most of us will recall that the current chairman of the Committee on Science, the distinguished gentleman from Pennsylvania [Mr. WALKER], when in the minority, was one of those who complained most vociferously and properly, at times, about using the Committee on Rules to protect bills that violated House rules.

The distinguished ranking member of the Committee on Science, the gentleman from California [Mr. BROWN], has called the process by which this bill is being considered unprecedented, unwarranted, and unwise, and we believe he is correct in so categorizing it.

As my colleagues know, Mr. BROWN is perhaps the perfect example of the type of policy specialist who has served the committee system in the House so well and so fairly for so many years in the past. We should be making the maximum use of his expertise in his warnings about this bill, about the way it has been and is being considered, and should not go unheeded.

That goes to the heart of the importance of the authorization process which gives the House the opportunity to consider broad policy issues after conscientious consideration after the committee hearing and markup process. Mr. BROWN has been speaking eloquently about the significance of this procedure and its proper use for many years, and we fear that we have not listened carefully enough to his warnings about the necessity for a deliberative authorization process, at least in this particular case.

Mr. Speaker, the 1 hour of general debate provided by this rule precludes all but the most cursory type of consideration. This is 1 hour of debate for six major bills that address such disparate programs as nuclear physics, space, the Weather Service, global climate change, fossil fuel energy research, environmental technologies, marine research, Department of Energy laboratories, and the National Science Foundation. They should, as I suggested earlier, have been taken up separately. We have to wonder if the majority planned this so that the programs which deserve more time and more thoughtful consideration, especially since they are being cut back so severely, would not get the attention they deserve.

Mr. Speaker, the ranking member, the gentleman from California [Mr. BROWN] testified before our committee about some other procedural concerns. In several instances the Committee on Science acted without benefit of testimony on matters entirely outside its jurisdiction; and, important to the omnibus structure of the bill, since this bill would go to four separate committees in the Senate, it certainly will not survive the process in this unprecedented omnibus form.

Mr. Speaker, the substance of the bill itself is disturbing to many of us. We hope that the concerns about the Federal Government's role in encouraging the important investments made by civilian research and development can be fully debated. This is an important debate, focusing as it does on the enormous cut of 33 percent for civilian R&D over the next 5 years.

The bill represents, sadly, the first step in dismantling the scientific infrastructure that supports our understanding of the environment; it cuts the programs that bring better science to bear on the environmental problems we have discussed so often this year and undoubtedly will continue to in years to come. The bill cuts NOAA's global climate change budget in half, almost certainly terminating some of the research to determine the validity of the global warning phenomenon. It imperils our efforts to ensure our Nation's future energy security and reduce our dangerous reliance on nonrenewable and foreign energy resources by cutting our investment in energy research and development so drastically. It effectively eliminates the National Science Foundation's research in social and behavioral sciences without the benefit of hearings or the opportunity for comments, and its cuts in NASA will, as the ranking member of the committee testified, adversely affect our future space program.

All in all, Mr. Speaker, this omnibus bill represents a massive disinvestment in our civilian research and development efforts at a time when it is precisely these programs that we should be strengthening.

So in conclusion, Mr. Speaker, we have many concerns about the way in which these several pieces of legislation are being brought before us today. We hope that under this open rule Members are able to sort out and vote intelligently on all of the many disparate matters that will come before us in this omnibus piece of legislation.

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

Mr. QUILLEN. Mr. Speaker, I have no requests for time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. BROWN], the ranking member of the committee.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, although it may be a little repetitious, I want to go over some of the factors which relate to this bill and which relate to the rule under which we are considering it.

Mr. Speaker, I am pleased that the chairman of the committee has requested an open rule for the consideration of H.R. 2405, and I indicated my pleasure during the hearing at the Committee on Rules. This continues a tradition of the Committee on Science, which sometimes, to the chagrin of other Members of the House, has requested open rules and debated bills rather lengthily here on the floor.

While all Members will have an opportunity to come to the floor and offer amendments by which the House as a whole can express its will, the opportunity in this case may be more theoretical than real. The Committee on Rules has chosen to honor the request of the chairman of the Committee on Science to bundle seven bills

which were separately reported by the Committee on Science. While a few are relatively noncontroversial, many were reported only after many hours of debate and discussion in the committee.

Unfortunately, Members who are not on the Committee on Science have had very little time to digest this seven-course meal; and other critical activities which are likewise ongoing this week, like the markup of the budget reconciliation bill, are likely to further distract Members' attention away from this bill.

This is a shame, Mr. Speaker, because the policies in this bill will have an impact in every district in this Nation. H.R. 2405 reflects the Republican budget resolution, which reverses the policies of the last 50 years that have made the United States the undisputed world leader in science and technology. H.R. 2405 is another step in the most massive disinvestment of Federal support for research and technology since the end of World War II.

For some, the impacts will come soon, as researchers in Federal laboratories lose their jobs, as universities cut faculty and research programs, as graduate students in science and engineering find themselves without challenging work opportunities. But the greater impacts will be long-range, in the loss of economic opportunities, in the loss of our intellectual capital, in the diminution of our scientific and engineering enterprise, and in missed opportunities for improved environmental quality, energy security, and health care.

Mr. Speaker, I do not fault the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, for rolling these bills together into a single omnibus bill, even though I think it will have the effect of diminishing the attention we can give to each agency. Indeed, I commend him for his efforts to elevate the authorization process for the civilian science agencies by emulating the defense authorization bill.

I might say parenthetically that over the past years, we have worked together in a constructive way to enhance the authorization process, and I give the chairman, the distinguished gentleman from Pennsylvania [Mr. WALKER], full credit for attempting, in what he is doing here, to continue to enhance that process. I doubt seriously that what we are doing will have that effect, and I want all of the Members of the House to consider whether or not this is the answer to the problem of enhancing the authorization process in the workings of the House.

Mr. Speaker, I would like to say first of all that the bill does not authorize all of civilian science, which would be desirable, in our opinion. Many important civilian science agencies, including the single largest civilian science agency, the National Institutes of Health, are not included in this bill. Therefore, the House cannot truly set priorities in the civilian science portfolio in this bill as the Armed Services Committee does with regard to military expenditures.

Second, the structure of the authorization and appropriation committees in the House and Senate are not as conducive to moving authorization bills for these programs as they are for moving a defense authorization and appropriation bill. In the House, for example, the appropriations for the programs in H.R. 2405 are assigned to four different subcommittees, each with many of the programs competing with these science programs for its 602(b) allocation. In the Senate, this bill will be referred to four different authorizing committees that historically have not been particularly active in passing authorizations. Although it is a little late to comment on it, the chairmen of some of these authorizing committees in the Senate were also chairmen of appropriation subcommittees and have too little motivation to go through the process of dealing with the funding of these programs twice.

This structure is very different from the single defense authorizing committee and the single defense appropriations committee with parallel jurisdiction in both the House and Senate. For that reason, I see little reason to believe that the Senate will act at all on this bill, despite the Chairman's commendable efforts to convince the Senate to act. In fact, if he desires, I would be more than happy to join him in trying to get bipartisan action in the Senate. But as I say, I am dubious that we can succeed in this.

Finally and most importantly, the defense authorization bill comes to the floor before the appropriations bill, and that has been worked out very carefully over the years and has the full support of the leadership in order to accomplish that. Despite the hard work that our committee has expended on the part of H.R. 2405, the fact is that it is largely irrelevant to the fiscal year 1996 appropriation process. The real funding decisions have already been made in the various appropriations bills. We will debate this bill and vote on amendments, but the debate will be largely symbolic, with little effect on the real world.

Mr. Speaker, to the extent that the House now conforms H.R. 2405 to the actions of the Appropriations Committee, the Committee on Science will be reduced to a rubber stamp. Indeed, the chairman of the committee has acknowledged the weakness of the authorizing process. He instituted a number of interesting new procedures this year to help ensure the committee's relevance to the budget process, but I question whether he has been entirely successful in this effort. In his other role as the vice chairman of the Budget Committee, the chairman of the Committee on Science first helped to establish his desired science budget policies in the budget resolution. The chairman then instructed the Committee on Science that the authorization levels for each agency needed to be within authorization caps mandated by the budget resolution, although no such caps could of course be found within the House budget resolution, a point that I made repeatedly during the deliberations in the subcommittees. Nonbinding report language, however, accompanying the House budget resolution was elevated to dogma for the Committee on Science.

Finally, when the Appropriations Committee began to mark up bills with numbers different from those that the chairman of the Committee on Science wanted, he hastily called markup sessions with the barest minimum of notice and opportunity to review the bill, and often without adequate hearings.

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At the DOE bill markup, for example, the chairman announced that the old mandatory budget authorization caps that he had instructed the subcommittee's chairman would be binding on the subcommittee had been replaced, overnight, by new, higher budget resolution caps which remarkably permitted the committee to raise the authorization funding closer to levels that had been approved by the appropriators.

As the chairman will surely respond, the evidence of the committee's influence can be shown by the fact that most of the appropriations funding, with a few notable exceptions, are fairly close to the levels found in this bill that we will be taking up. But I think that a careful consideration of the facts above will show that the only influence exercised was that of the chairman, not of the collective membership of the committee.

Despite my high respect for the chairman, and my own efforts previously as chairman to influence appropriators, and it is not a sin to try and do that, this does not reflect, however, the action of the full committee. The individual members of the committee have little if any input into the fundamental policy decisions, most of which were made prior to any committee consideration. The chairman arbitrarily limited the committee scope of action and merely asked them to ratify decisions already made.

Whether the chairman's increased leverage over the appropriation process will be worth the loss of a collegial and democratic process at the Committee on Science level remains to be judged by history. Of course the usurpation of the responsibilities of the members of the authorizing committee, the Committee on Science in this case, by the Republican leadership, does not end at the committee's doors.

As we will witness in the reconciliation process this week, the Republican leadership will have no qualms about ditching the considered work product of any of the committees and substituting their own politically correct views, as with the Commerce Dismantling Act, or as in the case of the Committee on Agriculture. The leadership will bypass that committee entirely and write the farm reconciliation bill itself.

Mr. Speaker, in the light of these actions it is hardly surprising that some Members on both sides of the aisle have begun to question whether authorizing committees have any role in this new Congress. Unfortunately, we do nothing to advance an answer to that question today in our largely symbolic consideration of H.R. 2405.

Mr. QUILLEN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this open rule, and I thank the chairman of the Committee on Rules for his assistance in bringing H.R. 2405 to the floor. This bill is a compilation of seven traditional agency authorization bills the Committee on Science is required to produce to meet its oversight and priority setting responsibilities. Consideration of this comprehensive bill is beneficial both from a practical and a programmatic viewpoint.

Combining these authorization bills under a single umbrella provides Congress with a clear means of considering civilian R&D in its entirety and provides an excellent forum for setting research priorities. Defense funding has traditionally been considered in an omnibus package, and by doing the same with civilian research funding the committee is elevating science as a priority to a more prominent standing within the authorization process.

The unification and rationalization of most of the Government's fundamental science functions in one vehicle demonstrates the advantage of coordinating these programs. It is a good illustration of the enormous potential of a consolidated Federal science infrastructure. So I do urge the support of this resolution to bring this rule to the floor.

I am disappointed in the previous discussion, because it takes what should be a policy concern and rather reduces it to a personality battle that the gentleman from California evidently has with the chairman. Most of what he discussed was what the chairman did in this.

The chairman of the Committee on Science cannot act without a majority of the members of the committee being with him, unlike the old days. when the gentleman's party ran the Committee on Science and ran the Congress, we operated with a proxy system where the chairman would sit there and vote other people's votes along the way, and would determine the course of policy by the use of an abhorrent system called proxy voting.

Today you actually have to have Members in the room and a majority of those Members have to support the actions that the chairman suggests or any person other than the chairman might suggest. So we are operating in a manner in Congress today which is entirely different, where Members actually cast their votes for real.

It is a strange new world, I know, to the people who for years operated in back rooms and then voted with proxies. But the fact is that this is the way in which policy can indeed get made, and get made I think in a beneficial way.

This particular bill was the subject of many days of hearings in subcommittees. It is a bill that the gentleman from California suggested had not had proper hearings. In all cases these were matters that were heard in subcommittee. The committee deliberated on these matters not only in subcommittee but in full committee. The decision to wrap them together in a bill brought to the floor was indeed a decision made with the idea of enhancing the stature of science.

To suggest that somehow this bill is diminishing the work of science I think does not reflect reality. In fact, it gets almost humorous when you look at the fact that we are dealing with the broad base of science for the first time. For the first time in the history of the House, we are dealing with the broad base of science as a comprehensive kind of program.

I am also amused, having seen some of the missives that the minority is sending out to the Members, that at the time that we are trying to raise the stature of the program to a national effort, something that the Nation should be proud of, the minority is sending out letters that are broken down State-by-State, district-by-district, appealing to the Members' pork barrel concerns.

If that does not undermine the ability to deal with these matters as a national concern, I do not know what does. Yet they come to the floor and suggest that somehow there is something happening here that diminishes science's concern. We probably ought to look at what they are doing.

I also heard them suggest that NIH is not included in this bill. No, it is not in this bill. NIH is not in the jurisdiction of our committee. Much as the gentleman from California and I might like to have it in the jurisdiction of our committee, it is not. We cannot bring it to the floor as a bill because we do not have the appropriate jurisdiction. I wish it were different, but it is not.

I guess the final thing I would make mention of is that the mention was made in the debate that we should not do the right thing because the Senate might not act. I mean, in general it has been discussed here that this is the right thing to do, to treat science as an issue that needs some comprehensive treatment, but we ought not do it because the Senate might not act.

William Penn, who founded the commonwealth which I am proud to help represent, once made the statement that right is right even if everyone is against it, and wrong is wrong even if everyone is for it. Sometimes in this body we ought to consider that. If it is the right thing to do, even if everyone is against it, maybe we ought to try it, and so on, because right is right, even if everyone is against it. Wrong is wrong, even if everyone is for it.

In this case we have the right bill, we have the right rule. I would suggest that we should support both the rule and ultimately the bill.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the distinguished ranking member of the committee.

Mr. BROWN of California. I thank the gentleman very much for yielding me the time.

Mr. Speaker, I have the very highest respect for the distinguished chairman of the Committee on Science, and I did not intend to personalize this discussion in the fashion that he seemed to indicate he thought I was trying to do. I was referring to his institutional role as chairman when I suggested some of the things that he has done in his institutional role as vice chairman of the Committee on the Budget, and in other roles that he plays.

He has continued to present this bill in his remarks just now as being justified because it allows us to deal in one bill with the broad base of science in a comprehensive way. Obviously he did not really mean that, because he further on in his remarks acknowledged that the entire field of the health sciences, which represents about a third of our civilian science, was not included. Of course it does not deal with the even larger broad base of science which is contained in the defense bill, which is about 55 percent of our total science expenditures.

So we cannot in this bill establish programs for the board base of science at the maximum we are talking about, perhaps 30 percent, of that broad base of Federal investments in research and development.

In that 30 percent that we deal with in this broad-based bill, we are setting a trend which differs completely from what is happening in the other two-thirds. In the case of the health sciences, basic research, we continue to increase that budget, not much. For next year it barely exceeds the cost-of-living increase, but it is an increase.

In the case of the 55 percent of the Federal R&D investments which are in the Defense Department, you would think with the declining threat to our national security, surely we would be leading the way by reducing our investments in military R&D. As a matter of fact, the military R&D programs continue essentially stable.

So in this key element, civilian research and development outside of the health field, we are proposing a one-third cut over the next several years in contradistinction to the other two-thirds of our Federal R&D investment. This, of course, is the very disturbing thing that bothers me.

The chairman has also indicated that we had, I gather, full and free debate on this bill and that we acted democratically in voting it out. Technically he is in error. This bill before us has never been before the Committee on Science. We have never had a chance to vote on it. It was not reported by the Committee on Science. If it had been, it would have been subject to a point of order, as the distinguished member of the Committee on Rules on the minority side pointed out.

What we did do is have a varying degree of debate over varying portions of this bill, and when these portions were voted out, as they were, then they were put together after the bill had left the committee and taken to the Committee on Rules and asked for their blessing, which they got. I do not disapprove of that. But by no means have we, as the chairman said, had full and free debate on this bill. Now if he had intended to say that we had free and full debate on most of the components of this bill when they were reported out of the committee, I would of course agree with him, but not on the statement that he made here.

Now, as to whether or not we should be influenced by the Senate prospects, normally I would agree. We voted out in previous years a lot of bills which we knew from historical experience over a decade the Senate would not take up, but we knew it was right to vote them out. We voted them out and then we used every device that we could, including the obviously inadequate efforts of the then chairman, to get the Senate to consider these bills.

If the current chairman believes that there is a realistic chance, and I hope he is correct, then I would pledge my full support in going with him or doing anything I could, either opposing him or supporting him, as would do the most good, to get the Senate to act on this package or any version of it, to separate it and send it out and act on a separate portion.

The chairman has never approached me about that. I do not see from his performance during the first part of this year that he intends to ask for any help in doing that. I think that I have, based on the experience with similar problems, some right to advise him in all good conscience that I doubt if he is going to succeed. But if there is a chance, I would like to help him.

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

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I have several amendments to the bill, one that I have been working on for many years.

I believe we have come to some language that might make it a part of law.

Let me start out by saying I wish the gentleman from Pennsylvania [Mr. WALKER] the best. I am familiar with the years I have been here of his steadfast determination, and I have really no complaints. On some of the policy issues that we might have, that is understandable. But I think we need a strong leader in this particular field. I would hope that the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER] can get together for the best interests of our country.

The first one says, though, "Look, we've got a big NASA here, it's not on the Moon anymore, it's lost a little bit of luster," and one of the reasons we have a rough time coming up and stabilizing the funding is not everybody has a piece of NASA like we do with the Pentagon.

The Traficant amendment says to the greatest extent practicable, when NASA is going on and developing new initiatives where it does not hurt NASA, they should look at communities diversely around our country and spread those opportunities of NASA around and get more of a constituency, if you will, and more of a support base.

□ 1200

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I want to tell the gentleman that we are prepared, when the gentleman offers that amendment, to take that amendment. I think it is an excellent addition. We are prepared on this side to take that amendment at the appropriate time.

Mr. TRAFICANT. Mr. Speaker, I appreciate that. The second amendment, I am not so sure. The third one is a straight Buy American language we have had in many, and I do not think that is a problem, but I think we come to an impasse on the second amendment.

Mr. Speaker, the second amendment deals with the issue of technology transfer.

The budget cuts are real. There has to be some cuts. R&D in America has taken some hits. But there has been a participatory joint R&D program with the private sector in NASA, and now we are coming up under new technology-transfer initiatives, unrestricted disclosure.

The Traficant amendment says when there is a joint R&D program, and in fact NASA is determining to, in fact, release certain undisclosed, unrestricted information, that at the request of the company, who is also a participant in the funding of it, that the NASA Administrator would not release into a period not to exceed 5 years.

Now, before everybody panics over this, if the NASA Administrator who still has the discretion would believe that it is not as significant as the concern of the company, that may only be a short period of time. But the Traficant bill says in order for it to be a 5-year holding back of this release of this information that there would have to be a 50-percent contribution in the private sector. I think language could be worked out here.

Let me say this. American industry needs some protection here. They are coming up and ask to spend more and more of their dollars in R&D, and the long-range R&D is going to be coming from overseas. Let us be careful.

Mr. Speaker, the Traficant language says when our economy can be endangered, the private sector entities would be endangered by that disclosure, that they have a right to request this action, and it could be granted. The Traficant language says that the Administrator, on the request of a private sector entity, shall delay for a period not to exceed 5 years the unrestricted public disclosure of technical data in the possession of or under the control of the Administrator that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the administration and the private sector entity.

Further on in there it does state for it to be the maximum of 5 years there has to be a cost-sharing factor of 50 percent. It still leaves open the discretion, it still gives that opportunity, and let me say this:

Those industries that would be adversely affected by premature disclosure of any sensitive research information must get some consideration. This technology-transfer amendment would require NASA to notify Congress as well annually of all determinations that withhold sensitive data from premature disclosure.

Mr. Speaker, I think it is time we provide American industry with some assurances that their sensitive research efforts will be protected, not be compromised. I believe there is language that makes sense, and I am hoping that we can come to some common ground. I believe this is an important issue in technology transfer.

Mr. BEILENSON. Mr. Speaker, 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 previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 234 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. 2405.

The Chair designates the gentleman from Georgia [Mr. KINGSTON] as Chairman of the Committee of the Whole, and requests the gentleman from Connecticut [Mr. SHAYS] to assume the chair temporarily.

□ 1204

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. 2405) to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes, with Mr. SHAYS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 234, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, I am pleased to bring to the floor today H.R. 2405, the Omnibus Science Authorization Act of 1995. This legislation represents the work of the Science Committee begun last winter with the authorization hearings and culminating in the reporting of seven separate authorization bills.

Authorizations totaling $21.5 billion for the core research activities of seven agencies are provided in H.R. 2405. Those agencies are: the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the technology programs of the Department of Commerce, and the United States Fire Administration. This amount represents a reduction of $2.4 billion from spending at current levels, but increase spending on targeted basic research.

We are considering these authorizations as seven titles in one bill in an attempt to bring to the House a comprehensive civilian science spending and policy bill. Considering these bills as a whole, rather than as separate pieces, clearly illustrates the themes of emphasizing basic research and fundamental science that the Committee on Science has stressed over the past 9 months.

First, the committee believes that a strong basic research foundation is essential to the future of our Nation. Basic budget realities dictate that we follow this course. We do not have the luxury, and it is not a wise use of resources to continue steering taxpayer dollars in the direction of applied research which can, and should, be market-driven and conducted by the private sector.

Second, the committee took seriously the mandate to achieve a balanced budget by the year 2002. We recognize that as important as this Nation's science and research efforts are to our future, every sector of the government, including science, must make sacrifices so that the economy can be improved for all of our citizens.

Opponents of this measure will tell you that they did not feel bound by the limits set by the House Budget Committee. I can assure you, Mr. Chairman, that the majority of the members of the committee took those limits very seriously, and made the tough choices that were necessary for us as authorizers to contribute fully to the budget and appropriations process. We approached the task of trimming spending from those programs which have outlived their usefulness and from those which may have proven their worth, but which, we believe, can get along with less of an increase than had been requested by the administration. We also followed several criteria: Research should be focused on long-term, noncommercial research, leaving economic feasibility and commercialization to the marketplace; Federal funding research and development should not be carried out beyond demonstration of technical feasibility; revolutionary new ideas that make possible the impossible should be pursued; the Federal Government should avoid funding research in areas that are receiving or could receive funding from the private sector; government-owned laboratories should confine their in-house research to areas in which they have no peer; and research and development programs should be tightly focused on the agency's stated mission.

The chairmen of the four subcommittees will each be describing the sections of the bill for which they are responsible, but I want to touch on several provisions which I believe to be significant and which demonstrate that the Science Committee's decision that we should make the difficult decisions responsibly.

The 2-year authorization for the National Science Foundation provides for 3-percent growth in the research activities account which funds the real work of the foundation in the second year, while freezing salaries and expenses of the bureaucracy. We have directed that the agency streamline its bureaucracy by at least one directorate, and we have funded other accounts at, or more than, the President's request.

Understand that. We put the emphasis in this agency on basic research. What we said was it was high time that we begin trimming bureaucracy in government in favor of doing real programs. This puts the money in programs and tells the agency that they have got to take some money out of bureaucracy.

Two weeks ago the House passed an authorization for the construction of the international space station H.R. 2405 authorizes the remainder of NASA's budget for fiscal year 1996 at $11.5 billion, and refocuses NASA's priorities towards basic research, human exploration, and space science. And, we have begun the process of getting NASA out of the business of operating mature systems, such as the space shuttle, and utilizing new funding resources in programs like Mission to Planet Earth by tapping the private sector's expertise.

The committee's authorization for the Department of Energy's civilian energy research and development programs cuts $960 million from the current year total of $5.21 billion. Within that cut, however, we protect and enhance basic research. By eliminating corporate subsidies and low-priority programs, and streamlining the bureaucracy, we have been able to increase funding for life sciences research, basic energy sciences, and high energy and nuclear physics.

A strong EPA research and development program is critical to providing the needed information needed to make reasonable regulations. We have preserved that essential research mission by eliminating program which duplicate research conducted by other agencies and eliminating corporate technology subsidies.

In the area of technology, we have reasserted our strong commitment to the priority of the core scientific work of the National Institute of Standards and Technology, yet another example of where we have been able to refocus an agency to its primary mission.

The U.S. Fire Administration, which oversees the important fire training and prevention programs, has been funded at $28 million for each of the next 2 years, nearly the entire request that the President made of us.

In closing, Mr. Chairman, I thank the four subcommittee chairs—Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, Mr. SCHIFF—and the vice chairman of our committee, Mr. EHLERS, for their hard work and dedication to this process. I also want to

commend all the other members of the committee on both sides of the aisle who assisted in moving this legislation through committee and to the floor. H.R. 2405 is a bill which is fiscally responsible, yet keeps the U.S. science enterprise healthy and vital. I urge support of the legislation.

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

Mr. BROWN of California. Mr. Chairman, I yield myself 5 minutes initially.

Mr. Chairman, I rise today in strong opposition to H.R. 2405 and in opposition to the overall direction that the Republican leadership has laid out for our Nation's research and development program. If there is any doubt about what the future holds for American science and technology, my colleagues should pay close attention to the debate over this bill.

But I would like to say just parenthetically, Mr. Chairman, that, unless we have an awful lot of Members assiduously sitting in their offices watching the television screen, that we currently have on the floor less than 10 Members. So, we are not going to have a vigorous exchange of views, which is conducive to broad-scale understanding of the policy issues involved here.

Now in part the reason for that is that most of the Members have said to themselves: Why should I go down and listen to a debate over a package of authorization bills when we have already passed the appropriations bills and these actions that we take probably will be of little consequence? The action that we take today, the importance of that action, is not based upon whether we pass the authorization bill or not. As a matter of fact, this debate is about the ideas which are contained here which are of vital importance to the future of our country. It is about how research and development can be brought into the mainstream of economic policy. It is about whether we will make the investments today to contribute to our economic growth in the future.

□ 1215

I also want to make sure that this is not and should not be a partisan debate. Indeed, research and development has been one of the strongest areas of bipartisan agreement between the two parties over the past 50 years. Many of the programs that have been targeted in this bill are the results of such bipartisan agreement. Many of them are programs that were initiated by the past two Republican administrations. I strongly supported those programs then, and I will continue to do so today.

As a matter of fact, I participated in the effort to convince these past two Republican administrations that this was the correct direction to move in, and those arguments were successful because they came not just from Democrats but from Republicans, from the business community, from the research community, and from many others.

Mr. Chairman, what is different today than in the past is the extremism that has made its way into the thinking of the Republican leadership and the Republican planning process. The decisions that have been presented to us by this bill have nothing to do with whether science is good or science is bad, but whether it passes the ideological litmus test of the Republican leadership.

Thus, I again stress that this should not be a partisan debate, but the issue has, much to my regret, been politicized. It would be profoundly misleading to call H.R. 2405 an authorization bill for science programs. Rather, it is a deauthorization bill. It is a first step toward the most significant postwar reduction in science funding ever proposed.

Mr. Chairman, I have a chart here which I think will illustrate the point very well. On this chart, as Members can see, the bottom line is that it shows a 33-percent decline in R&D over the next 5 years, R&D in those areas represented in this bill, which, as I indicated earlier, actually is only about a one-third of the total R&D investment of the Federal Government. But these are the components that are included in the bill, and as Members can see, after the year 2000, the next 5 years, these are all drastically declining.

I wish I had the chart, we had the information, as to what is happening with the other two-thirds of R&D: the military, health, and certain smaller portions such as agriculture. These are continuing to either slightly increase or to remain relatively stable. Therefore, the first question that comes to my mind is what is so bad about the science programs within the jurisdiction of the Committee on Science that they have to take a one-third cut while the other two-thirds are not.

Mr. Chairman, the Republican budget resolution which was adopted earlier this year included this 33-percent reduction in science programs within our committee over the next 5 years. The bill before us today is the first installment in that planned disinvestment. It is ironic that the Republican plan requires that in order to pay for a tax cut, we must sacrifice the very things that we know lead to long-term economic growth.

Mr. Chairman, I am not just trying to parrot a catch phrase here. In developing alternative bills in the committee to the Republican bills, we recognized that it was imperative to do so within the framework of a budget philosophy that would balance the budget within 7 years. We did that. We did not choose to make the tax cut within our budget; we adopted the philosophy of the conservative coalition budget, which calls for balancing in the 7-year period, but does not provide for the tax cut which is in the Republican budget.

As a consequence, we were able to provide in our alternative, which the Members will get a chance to vote on, funding for all these programs at a somewhat higher level; not as much as the President proposes, certainly not as much as we spent last year, but not as severe a cut as we see in the figures before us on this chart.

Mr. Chairman, over the past several decades there has been widespread agreement among economists that between a quarter and a half of all improvements in economic growth is attributable to technology development; the technology is represented by these programs, as a matter of fact, and not necessarily so much the technology developed in the military programs, which are generally rather special purpose. R&D is an investment in the Nation's future. Although deficit reduction will remain the foremost national priority, this is only one element of improving the national economy. Deficit reduction by itself, valuable as it is, could slow the economy, unless accompanied by investments such as those in research and development and certain other specific infrastructure investments. It is highly illustrative to look at what reductions in this bill hit the hardest.

I would like to show the next chart at this point. In this chart, we are able to see the differences between the cuts received below 1995 or increases for the various categories, including, as I have referred to earlier, the defense and the health sciences, the first two. These, as you can see, receive an increase in funding above the 1995 level.

All of the rest of these are cut in various degrees. Commerce is notable for the fact that it takes the largest cut. Interior takes the second largest cut, and the fact is that the Committee on Commerce programs have been found to be not politically correct by the Republican leadership, and they have, of course, suffered the consequences.

Mr. Chairman, there is no question that these major cuts have been focused on programs which involve technology partnership with the private sector. In the opinion of the Republican leadership, this is not good science and, therefore, they are going to cut it to the bone, or eliminate it if they possibly can. We will have some further discussion of that a little later on.

Of all of our expenditures in R&D, those that involve cooperation with the private sector, those which basically were programs that came out of the 1988 trade bill and the advanced technology programs of that trade bill, are the ones which will make America more productive and will help us to come out of the slump that we are in. There is a similar agenda for environmental research and development. The

fact is that that is being drastically cut. Much of the energy research is being cut, because it is considered to be applied.

Mr. Chairman, I will present one more chart here to give the broad picture. The real reason that there is an advanced technology program in the 1988 trade bill is because we found that other nations of the world were taking global market shares and we were not, and that there was a direct relationship between this and the amount they were investing in research and development.

This chart gives us an illustration of what will be the comparison between us and Japan between now and the year 2000, based upon budgets and plans already announced in Japan, compared with the Republican budget resolution, which is the same picture as I showed before: a one-third decrease in these programs. In Japan they are proposing a doubling of their investment.

Mr. Chairman, it takes a few years for these kinds of investments to pay off. Our investments during the period after World War II is what gave us the leadership in the world in terms of competitiveness. It was our failure to maintain that rate of growth, while Japan and Europe, as well as other Asian countries, continued to increase theirs. That began to disturb our balance of trade. We hope that we will not have the bad sense to continue to follow the path laid out here, because I can assure the Members that it will be devastating to our economic future.

Mr. Chairman, I will not belabor the remainder of the remarks here. I have previously asked approval to put them in the RECORD, and we will have further discussion of them as we proceed with the debate.

We now spend about 2.4 percent of the GNP on R&D. Japan spends nearly 3 percent and in July of this year announced a national plan to double this by the year 2000. This will be in stark contrast to the Republican plan to decrease our civilian research by over 30 percent during the same period.

I know that we will hear many arguments during the course of this debate that seek to rationalize these reductions. Most of them are based on nothing more than sloganeering—by calling R&D by other names such as "corporate welfare", "applied research", "bureaucratic overlap", and so on.

In particular, Republicans have repeatedly justified their reductions by claiming that these undesirable areas of research have been cut in order to fund basic research. There is even a claim that this bill increases basic research. Nothing can be farther from the truth. The fact of the matter is that this bill cuts basic research below fiscal year 1995 levels and dramatically below the request level. The Republican claim is only possible if one actually redefines the term "basic research" in some way other than the current convention used by the OMB, the administration, and the science agencies. The only area of basic research that is being increased is NIH which is not in this bill.

Clearly, the distortion is intended to assure the University community that their research will be protected. The fact of the matter is that it is impossible to inflict a 33-percent reduction in R&D over the next 5 years and not cut basic research. Indeed, it cannot even be done this year.

The distinction between basic and applied research is, of course, convenient for budget cutting purposes but it is meaningless as a public policy and reveals a profound lack of understanding on the part of the Republicans of what basic research really is and how basic and applied research is related.

We will also hear today that the research that is being eliminated can and should be done by the private sector. Privately owned companies are completely oriented toward maximizing a return on investment. Research that may take years to mature has become an increasingly poor investment for most companies. The Republican assertion that the private sector will somehow step in to take up the slack is sadly out of touch with reality.

On May 22 of this year, the Wall Street Journal reported the disturbing news of a sharp decline in industrial research and development over the past 4 years. Spending among AT&T, GE, IBM, Kodak, Texaco, and XEROX—giants in the high-technology industry—declined by 30 percent since 1990. This is all associated with the emerging corporate imperative to achieve a favorable short-term return on the stockholders' investment. Federal R&D policy simply cannot ignore this reality and must adjust to it with the type of Government-industry partnerships that were conceived by the Bush and Clinton administrations.

I will close by stating my intention to offer a substitute to this bill at some point later in the process. Although this will no doubt be called the Brown substitute or the Democratic substitute I want to be clear on the fact that this substitute is nonpartisan in every conceivable way. Indeed, my substitute is a simple attempt to maintain at some minimal level the investments in R&D that have had wide bipartisan support in the past. The bulk of my substitute is, in fact, the result of initiatives begun during Republican administrations.

Indeed it was only in February 1992 when all 20 Republican members of the Science Committee, including the present majority leadership, set forth their independent views and estimates for the Budget Committee strongly advocating a 2-percent real increase in civilian R&D. Their submittal stated:

> Surely, a 2% real increase in civilian R&D can be accommodated within a $1.5 trillion budget pie. To not make this investment would be irresponsible and ultimately lead to catastrophe.

They were right then and could well make the same case today.

I will ask my colleagues on both sides of the aisle to join me in supporting this substitute.

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

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman of the Subcommittee on Space and Aeronautics of the Committee on Science.

Mr. SENSENBRENNER. Mr. Chairman, let me begin by commending the gentleman from Pennsylvania for his leadership of the Committee on Science during this 104th Congress. Because we must balance the budget and restore financial discipline to the Federal Government, all discretionary accounts are experiencing new fiscal pressures. Consequently, we must prioritize programs and discontinue those functions that the private sector can take over from Washington. Under the gentleman from Pennsylvania's leadership, all of us on the Science Committee have worked to accomplish this task and focus our civil science expenditures on those activities which only the Government can perform and which have the largest long-term benefits to the country. H.R. 2405 meets these goals by focusing on basic research and fulfills the responsibility Congress has to ensure that tax dollars are spent wisely.

Mr. Chairman, American science is undergoing a profound change. Government set up the modern scientific establishment right after World War II and the organization of the scientific enterprise reflects its cold war origins. Since that time, we've always worked to increase the science budget. As a consequence, many activities that would defy our traditional definitions of proper scientific activity have been funded by the Federal Government, including corporate welfare and questionable behavioral disciplines. Recently in the weekly research journal, Science, two social scientists experienced in Federal funding of science wrote that "the social contract currently governing U.S. science is an obstacle to needed changes in science policy. This policy cannot realistically justify large science budgets. The situation demands more than a defense of the status quo—if faced constructively, it is an opportunity to develop a sounder social contract, to develop an ecology in which science can thrive."

H.R. 2405 is the first step in developing this new contract. We elevate science's profile in the Federal Government by considering Federal civil science activities as whole, as this bill does, rather than as a collection of separate and unconnected programs. Similarly, H.R. 2405 will help us better integrate science into the very fabric of society by encouraging greater public-private partnerships to achieve our scientific goals. For example, title II of the bill, which authorizes funding for NASA, includes funding and authority for unique government-industry cooperation to develop new space launch vehicles that place industry in the leading role. Similarly, title II begins privatizing certain functions of NASA that the private sector is providing, such as airborne microgravity experiments. By taking these steps, we can better leverage Federal and private dollars in pursuit of the national interest, saving taxpayer resources in the short and long term.

By passing H.R. 2405, Congress will send the message that we are serious about balancing the budget and that we are going to do so intelligently by focusing on those programs with the greatest need for Federal dollars and the greatest benefit to the Nation. H.R. 2405 is an important step in the process of ensuring the long-term health of the scientific enterprise by cutting out fat and waste while improving our commitment to basic research. Please join us in passing this bill.

Mr. BROWN of California. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

□ 1230

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from California [Mr. BROWN] for yielding me this time, and I certainly adhere to some of the instructive remarks that he has made.

Mr. Speaker, I think we come to this issue hoping for a bipartisan approach, for who can be against research and development that basically is the underpinnings of the work of the 21st century. Certainly it has been the hallmark of this Republican Congress that has been controlled by this party for a couple of months that in everything, small is better. Many productive and useful activities of this Government have been cast aside in the blinding light of that irrational ideology. If the United States is going to continue, however, its preeminent role in technology and commerce, then we must not allow the decimation of our scientific establishment.

Basic science research has been the driving engine in the prosperity of our country for the past 50 years. Why only yesterday, two of America's most prominent physicists won the Nobel Prize. With the more than obvious beneficial results of such investments as federally funded research, it is incomprehensible to me that my Republican colleagues are so eager to cut one of the best returns on investment we can make.

Mr. Speaker, numerous studies have indicated that up to one-half of all U.S. economic growth is directly attributable to the introduction of new technology. I entreat my colleagues that this is in fact an important debate, and that we should come to the House Floor in droves, for this talks about where this country will be in the 21st century. Do we want to slash and cut research and development that has been the very backbone of many of the discoveries in this world?

It has been stated by the Republican majority that this bill is cutting R&D spending by only 12 percent, while actually raising the overall level of basic research by 1 percent. What they have not said is that based upon the budget resolution which the Republican Party led the fight for, there will be a 33 percent decline in Federal research funding from now until the year 2000. The recipients of this precipitous decline include NASA, NSF, DOE, the principal torch-bearers in our R&D advancement.

These same Republican colleagues say that they are supportive of basic science, cutting only what they deem to be applied. Well, based upon the facts, I have serious reservations concerning the definitions of both basic and increase. Using OMB definitions, H.R. 2405 does indeed cut fiscal year 1996 spending on basic research, which has been basically what has driven this country.

Federal R&D investment has been the backbone, because private sector companies have stopped their long-term R&D investment. We realize that if we are to continue in this manner, if we are to have a future for our children, the elementary school children, the secondary school children and our colleges, the Government must play a part in research and development. There is nothing wrong with that.

Yes, we must bring the budget down, and we have an alternative that I hope we will be able to support that responds to bringing the budget deficit down, but does not steer us away from research and development, creating jobs for America in the 21st century.

In closing, let me say that I want to remind my Republican colleagues of their former President, our former President, the advice that President Ronald Reagan gave us. He said, "America has always been greatest when we dare to be great." Let us be great with R&D, and let us make sure that we keep support of a very important opportunity in our country.

Mr. PETE GEREN of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Texas.

Mr. PETE GEREN of Texas. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, the Basic Research Subcommittee developed the provisions of titles I and VII of H.R. 2405, which authorize the activities of the National Science Foundation and the United States Fire Administration, respectively. These are small agencies with a disproportionate impact on the well being of the Nation.

The National Science Foundation plays a key role in developing and sustaining America's unparalleled academic research enterprise. It is the only Federal agency with the sole mission to support basic science and engineering research and education in the Nation's schools, colleges, and universities. Its programs support individual faculty members, postgraduate research fellows and graduate students; the operation of national research facilities; the modernization of scientific instruments and research facilities; and science education at all levels of instruction.

Although NSF represents only 4 percent of the Federal R&D budget, the agency provides one quarter of all Federal support for academic basic research. This support makes major contributions to disciplinary research, including, for example, more than 40 percent of Federal funding for mathematics research and one-third of the funding for both the Earth sciences and the nonmedical biological sciences.

In addition, NSF is an important participant in multiagency research efforts in areas of strategic importance to America's technological strength. For example, NSF provides approximately 30 percent of the total funding for the High Performance Computing and Communications Program. This major Federal-university-industry research initiative provides the technical underpinnings for the emergence of the National Information Infrastructure.

Finally, NSF plays a large role in precollege and undergraduate science and mathematics education. The foundation supports programs of model curriculum development, teacher preparation and enhancement, and informal science education.

A direct linkage exists between these wide-ranging research and education activities and the long-term economic health and well being of our country. These programs generate the new knowledge and produce the human capital needed to fuel a technologically-based economy. Ultimately, the success of NSF's programs are reflected in such concrete ways as the productivity of the Nation's workforce.

The NSF authorization in H.R. 2405 attempts to maintain the core research and education programs of the foundation in a difficult budget climate. I share the commitment of many of my colleagues to achieve a balanced budged over the next 7 years and realize that even the most valuable Federal programs, such as NSF's research activities, must bear some of the pain of achieving this goal.

Although the bill lowers funding from fiscal year 1995 levels, it is an allocation that provides relatively gentle treatment for NSF in a year in which many Federal science and technology programs authorized by the Science Committee have experienced severe cuts. In addition, some funding increases are provided by the bill in the second year that will bring the NSF research directorates back to the fiscal year 1995 funding levels.

The bill also addresses the question of how to ensure a wise allocation of resources in stringent budget times. A requirement is included for NSF to develop and submit to Congress annually a clear statement of the agency's goals. The annual multi-year plan is intended to highlight expected areas of program emphasis, including research initiatives under development, and contain criteria and procedures for assessing progress toward defined goals. A related requirement calls for the development and periodic updating of a plan for new construction of NSF's national research facilities, such as telescopes, and upgrades to existing national facilities. These two requirements will assist Congress in determining priorities to ensure that the resources allocated to NSF are used for maximum benefit.

The other major provision of H.R. 2405 which was the product of the Basic Research Subcommittee is title VII, which authorizes the U.S. Fire Administration. This agency has long enjoyed bipartisan support in Congress because of its vital mission to improve the safety of all our citizens. The agency supports training, research, and public education efforts which have advanced public awareness of fire safety practices, and have improved the effectiveness of fire services and home fire safety devices. Much has been accomplished, but the record of fire death rates and property loss in the Nation reveals that much remains to be done.

The bill authorizes funding for the important programs of the U.S. Fire Administration at a level very close to the President's request. This is a significant accomplishment because of the severe downward budget pressures on all Federal agencies and activities. In light of the current budget climate, I am pleased that the committee has developed a bill that will sustain the important programs of the Fire Administration.

Mr. Chairman, I want to acknowledge the open and collegial approach taken by the chairman of the Basic Research Subcommittee, Mr. SCHIFF, in developing titles I and VII of H.R. 2405, and am pleased to join him in commending these measures to the House for its favorable consideration.

Mr. WALKER. Mr. Chairman, I yield 6 minutes to the gentleman from New Mexico [Mr. SCHIFF], chairman of the subcommittee on Basic Research.

Mr. SCHIFF. Mr. Chairman I rise in support of H.R. 2405.

I would like to thank my chairman, BOB WALKER, for his tireless efforts on behalf of science as evidenced by this omnibus science bill before the House today. This legislation for the first time attempts to focus the House's attention at one time on most of the civilian research and development programs supported by the Federal Government.

I also want to thank the ranking minority member, Mr. BROWN and my subcommittee ranking member, Mr. GEREN, for their hard work in bringing this bill through the Science Committee.

Beginning in February of this year, the Science Committee and its subcommittees have held a number of budget and oversight hearings and markups on the separate pieces of legislation that have been rolled into this omnibus bill. The process has been very fair and thoughtful, and the result is good legislation which reauthorizes many important programs while staying within the budgetary constraints established by the budget resolution. This legislation demonstrates that Congress' dual responsibilities of balancing the budget and supporting important Federal research and development programs are not mutually exclusive—indeed, they are supportive because they force us to become more efficient and to prioritize.

I am proud of the role my Subcommittee on Basic Research has contributed in creating this legislation. Responsible for the authorization of the National Science Foundation and the Federal Emergency Management Administration's [FEMA] fire programs, the subcommittee worked on a bipartisan basis to complete 2-year authorization bills, H.R. 1852 and H.R. 1851, respectively.

The Basic Research Subcommittee's legislation was incorporated into H.R. 2405 as titles I and VII. I would like to focus my remarks on those two titles.

The National Science Foundation [NSF] is the principal supporter of fundamental research and education conducted at colleges and universities in the fields of mathematics, science, and engineering. The NSF accomplishes this through grants and contracts to more than 2,000 colleges, universities, and other research institutions in all areas of the United States. The NSF accounts for approximately 25 percent of all Federal support to academic institutions for basic research. As chairman of the Science Committee and vice-chairman of the Budget Committee, Mr. WALKER has voiced his strong support for basic research. I share these views, and title I of H.R. 2405 reflects this strong support.

In addition to budget authorizations for fiscal years 1996 and 1997, there are provisions in this bill on prohibition of lobbying activities, financial disclosure of high-level employees, protecting Reservist and National Guard personnel recalled to active duty, and assigning to the White House Office of Science and Technology Policy the task of finding ways to further reduce indirect costs.

I would like to point out that in these difficult fiscal times, NSF was affected very little by the budget resolution in fiscal year 1996. In fact, the budget resolution's assumptions provide for growth in the research and related accounts at NSF of 3 percent per year after 1996, which is reflected in title I of this bill for fiscal year 1997.

It is important to state here that the science community needs to recognize that the majority in both the House and the Senate, are supportive of basic research. Members understand that basic research is essential, that it is an appropriate Federal activity, and that it is an economic driver. The Science Committee is acutely aware of the importance of basic research, and so worked to preserve funding even as other Federal programs have been cut to meet aggregate budget requirements.

I would now like to address title VII of H.R. 2405. This is the part of the legislation which authorizes the United States Fire Administration [USFA] and includes funding for the National Fire Academy [NFA]. The USFA performs a vital function for our country, one that saves lives and property. H.R. 2405 incorporates the funding levels reported by the subcommittee and full committee which are sufficient to enable this agency to accomplish its mission.

Like the NSF, the USFA was affected very little when one consider the tight fiscal constraints under which we are operating. The authorized level is about 3 percent lower than the administration's request, and we have preserved all of the essential functions and activities of the USFA and the Fire Academy.

Before closing, I would like to discuss the titles over which my subcommittee did not have jurisdiction, but which are equally important. Title II of the bill is the reauthorization of the National Aeronautics and Space Administration [NASA], minus funding for the space station, which has been reauthorized in separate legislation previously passed by the House. H.R. 2405 makes much needed reforms in the way NASA operates, primarily by refocusing its mission on basic research, space science, and human exploration of space.

The NASA provisions of this legislation require the agency to develop plans to privatize the space shuttle. This effort could save taxpayers more than a billion dollars over the next 5 years. At the same time, the bill continues NASA's next generation reusable launch vehicle program. This very important program will help to develop a commercially viable launch vehicle that will ensure U.S. leadership in space transportation. A subscale model of such a vehicle is currently being tested in New Mexico. The Delta Clipper or DC–X has been successfully launched several times and shows amazing promise. Given the future significance of space commercialization and space transportation, I am hopeful and optimistic that this program will be pursued vigorously and successfully.

Title III reauthorizes the civilian research and development programs of the Department of Energy [DOE]. These programs include some extremely important research that will help to enable this Nation to move toward energy independence. Research programs in solar and renewable energy, nuclear energy and fusion, and advanced fossil fuels extraction methods are important for national security as well as economic security. Advances in these areas and others will help the United States to become free from relying on foreign sources of oil.

Another DOE-sponsored activity covered under this title is human genome research, ongoing at Los Alamos National Laboratory in New Mexico and at other sites. This research, which includes mapping the human genetic code, may be the key to the discovery of a cure for cancer and other devastating diseases.

As a Member who represents a State with two world-class national laboratories involved in energy research, I personally hope that funding levels for the programs in this section will be increased while staying within a balanced budget as we continue through the budget process. But, I am confident that title III of H.R. 2405 preserves the essential energy research and development programs necessary to move this Nation forward.

Titles IV and V of the bill authorize the National Oceanic and Atmospheric

Administration's [NOAA] and the Environmental Protection Agency's [EPA] research and development programs and provide for the continuation of important programs within NOAA's atmospheric and ocean research activities and EPA's air and water quality research activities, while staying within the constraints of the budget resolution.

Finally, title VI of H.R. 2405 provides for continuation of the essential research activities of the National Institute of Standards and Technology [NIST] and the Office of Technology Administration within the Department of Commerce. NIST provides technical assistance to industry through the development of measurements and standards as well as a wide range of technology services such as standard reference materials and data, information on national and international standards, laboratory accreditation, equipment calibration, and evaluation of inventions. The NIST laboratories conduct essential basic research on infrastructural technologies such as new measurement methods.

In the likely event that the Department of Commerce, the current Cabinet-level home for NIST, is eliminated, NIST needs to be preserved either as an independent agency or housed in some other Cabinet-level department. While the Congress is not likely to create another Federal agency because of budget constraints, I think we should further explore the concept of a Department of Science to house NIST and all other Federal civilian science activities. By consolidating these programs into one agency we will ultimately save money and eliminate bureaucracies.

Chairman WALKER, thank you again for all of your hard work on this bill. I urge my colleagues to support its passage.

Mr. BROWN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I rise to oppose the bill H.R. 2405, the so-called Omnibus Civilian Science Authorization Act of 1995, as it exists now. The bill has a grandiose title to mask its pernicious effects on the Nation's research and development system. We will hear again and again in this debate how the majority supports research, especially basic research. Would that their rhetoric was matched by their legislative language.

Otto von Bismarck once warned that those who liked laws and sausages should watch neither one being made. This bill offers a stellar example of this principle. The legislation we consider here is not the product of in-depth consideration by the Science Committee. It is, rather, a large muddle made up of a jumble of small messes—slapped together authorization bills for agencies under our jurisdiction to create the unwieldy morass we are about to debate. If the component titles were more than the product of little thought and even less deliberation, this might be acceptable. H.R. 2405, however, is in the unenviable position of being less than the sum of its parts.

The value of science and technology to the Nation and its people has, for the last 50 years, been an area where both parties have shared a common vision. Many economists credit innovation with up to half of U.S. economic growth. Both parties have also agreed that the Federal Government played a critical role in maintaining American leadership in these vital areas. The Federal Government has been an early adopter of new technologies; ask Cray Supercomputer how long it took their market to broaden beyond the Department of Energy and the Department of Defense. The Government joined with industry to improve existing technologies or to adapt them to new needs. After the war, the Government injected vast new resources into the Nation's universities and reaped a network of laboratories and a supply of talent that is the envy of the world.

Until now. H.R. 2405 marks wholesale retreat from this bipartisan consensus. The majority cry is, "Less will be more." That's unlikely. The cost of maintaining leadership is not shrinking, it is rising. Indeed, in some fields we have admitted that we cannot afford to maintain progress with our resources alone.

Mr. Chairman, there will be an amendment in the nature of a substitute offered to correct the shortsightedness that permeates H.R. 2405. The substitute recognizes that every element of Federal activity will be squeezed in the effort to balance the budget, but that reducing investment in future productivity is the worst of all possible ways to do this. The substitute will authorize less spending than that actually spent in fiscal year 1995. It is less than the President requested for fiscal year 1996. But it is above the level authorized in H.R. 2405.

Historians mark the zenith of the Confederacy as the day Pickett's soldiers charged into the teeth of Union cannon on Cemetery Ridge on July 3, 1863. At least they died with guns blazing and on the attack. With H.R. 2405, the majority furls our flag and skulks from the field. We should not be surprised if history records the end of American scientific and technological leadership with the passage of this bill.

Mr. Chairman, I urge a vote in favor of the substitute to H.R. 2405.

□ 1245

Mr. WALKER. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. ROHRABACHER], chairman of the Subcommittee on Energy and Environment.

Mr. ROHRABACHER. Mr. Chairman, simply put, this bill is good for science and good for the taxpayer. Titles III, IV, and V concern agencies under the jurisdiction of the Subcommittee on Energy and Environment which I chair.

The authorization does not mindlessly cut programs across the board, which President Clinton insisted on doing in the continuing resolution. Rather, it follows the priorities laid out in the budget resolution passed by the House in May and puts us on the path to a balanced budget. It preserves funding for fundamental scientific research, while obtaining most of it and most of its budget savings from three major areas, that is, the bureaucracy, market development, and promotion programs, and corporate welfare.

If my colleagues have been reading their mail, they have been reading some misleading statements in the last few days. There have been claims of extremist cuts in research that could lead to all kinds of disastrous consequences. But, of course, there are no specifics included, no details of actual cuts. That is because there are so few specifics to back up these charges.

Instead of name-calling, as Al Smith used to say, let us look at the record. Fact: In the Department of Energy title, basic energy sciences, we see that it has been increased by $100 million over the fiscal year 1995 levels. At hearings held before my Subcommittee on Energy and Environment in February, every director of a major national laboratory testified in person or in writing that the scientific facilities initiative was their number one research priority for fiscal year 1996. It is fully funded in this bill.

Fact: The $1 billion general science and research account is reduced from the fiscal year 1995 levels by exactly 1 percent. How awesome it is that we want to take it down by 1 percent while we are trying to balance the budget.

Fact: Reducing an account called energy supply research and development, or another one, energy conservation research and development, does not mean that we are reducing funds for scientific research.

For example, there are administrative slush funds at DOE that are used to pay for each program's own policy gurus and to hire, get this, to hire expensive outside public relations firms to promote their programs. They are listed under what? That is right, research and development.

Programs to subsidize new heat pumps for the world's largest air conditioner manufacturers are also listed under basic research and development. Programs to subsidize the purchase of alternative fuel vehicles are funded under what heading? You guessed it, research and development.

In these budgets, the titles are intended to mislead rather than to explain. Do not let anybody tell you that we are cutting basic research.

Fact: Almost none of the massive increases called for by the Clinton administration budget request, and none of them since 1993 for the Department of Energy under this bill's jurisdiction, involve fundamental scientific research. These hikes that President Clinton has been calling for in spending are for market development and promotion programs and for politically inspired programs such as the climate change action plan.

The NOAA authorization has been subject to even more misleading lobbying. Contrary to what you may have heard, H.R. 2405 provides for a 25-percent increase in NOAA's weather satellite program, so this vital needed information and the information gathering program can remain on target.

The National Weather Service modernization program is fully funded. That means that lifesaving doppler radar will be installed on schedule.

Keep in mind that NOAA's budget has increased by over 50 percent in the last 5 years. What we are proposing is that over a 5-year period this growth would come out to be just 30 percent. That is not draconian.

But there are some cuts in this area. For example, we save $300 million without affecting NOAA's core mission. We accomplish this by eliminating congressional add-ons, eliminating costly procedures for closing old Weather Service offices, and by privatizing the fleet and eliminating the NOAA core corps.

You will hear this called that we are cutting NOAA research. What we are doing instead is saving the taxpayers the $2 billion that it would cost to modernize the NOAA fleet, which should have been privatized in the first place. Cutting NOAA research? Nothing could be further from the truth.

The NOAA fleet is operated by the NOAA Navy, an anachronistic corps of civilians dressed up in Navy officer's uniforms, receiving military pay and military retirement benefits. This is a throwback to World War I when the mapping of the U.S. coastline was considered a military, not a civilian job. Private charters are itching for the chance to provide the vessels for needed research at lower cost, and we should give them this chance and save the taxpayers some money.

Our mark on EPA has also been under attack, but we have taken great pains to see that the EPA title provides full funding for research that is relevant to EPA's mission. For example, we increased the funding for air quality research.

We get our savings, however, when we are talking about the EPA, by cutting and by looking at politically inspired programs like the environmental technologies initiative which was put forward by this administration, and the Clinton climate change action plan. Among other things, this program seeks to find out what would happen to fish if global warming is actually a reality. Well, all we ask and all we are trying to fund is the core mission, the research and development core mission of the EPA which we are not touching.

Mr. Chairman, I urge my colleagues to support sound science and a balanced budget by passing H.R. 2405, and for my colleagues to take a close look at some of these charges of what is actually being proposed in our legislation. We protect basic research and development by taking out the frills, taking out nonsensical programs that are not research related.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise today in strong opposition to H.R. 2405, the omnibus antiscience and anticompetitiveness bill. This is a reckless bill, a shortsighted approach to national priority setting that endangers America's role in the global economy both today and in the future.

As a representative from the Third District of Connecticut, I have the honor of representing one of our Nation's research jewels. Yale University, located in my hometown of New Haven, boasts one of the most advanced scientific research facilities in the world. The work done at Yale and at colleges and universities across America provides an absolutely essential component of our Nation's economic competitiveness by conducting federally funded basic research and applied science.

The knowledge gained by these efforts teams cutting edge scientific breakthroughs with practical applications that point the way toward America's future economic progress. America's economic competitors around the world know well the value of investing in civilian research and development. American jobs in every State in the Union rely on international competitiveness.

Yet the United States invests a smaller percentage of its R&D dollars on civilian research and development than does nearly any of our economic competitors. Mexico, the Philippines, Japan, Argentina, Canada, Italy, Germany, Taiwan, Korea, France, and Britain all surpass America in their investment in civilian research and development.

How can America ensure our future economic competitiveness with this shortsighted approach? The fact that we will still rank slightly ahead of the formerly Communist Czech Republic stands as little consolation for the working men and women of this country whose hard work produces goods and services that are suffering from increased competition from our economic rivals.

We must stand tall for intelligent scientific policy. As the President of the California Institute of Technology recently wrote, "Without first class science, we can look toward only to a second class economy and second class standard of living." Vote no on H.R. 2405.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, with the beginning of this Congress, the Science Committee, under the leadership of the gentleman from Pennsylvania, has engaged in a new process which strives to put us, as an authorizing committee, at the table with the Appropriations Committee and the Budget Committee in the setting of public policy and in directing how our Federal moneys are spent.

As a result, the committee has been exercising our policy setting responsibilities with a strong voice in the funding process. The gentleman from Pennsylvania, as chairman of the committee, has asked all the subcommittee Chairs to produce authorization bills which reflect the House-passed budget resolution, moving us to a balanced budget in 7 years.

We needed to do this because otherwise the committee's authorization might not have been considered credible or realistic in our work product. As difficult as it has been, the committee is being guided by the same budgetary limitations affecting the Appropriations Committee. Accordingly, these budget limitations have forced us to prioritize our Federal spending, resulting in a limitation of our ability to fund every worthwhile program.

H.R. 2405, the Omnibus Civilian Science Authorization Act, reflects the need to prioritize our Nation's scientific research funding under tight fiscal limitations which moves us to a balanced Federal budget. It also incorporates as title VI, the committee-passed version of H.R. 1870, the American Technology Advancement Act of 1995, which provides for the authorization of programs within the technology administration, especially the laboratory functions of the National Institute of Standards and Technology [NIST].

Mr. Chairman, I believe NIST is a well-run agency with a well-defined mission. NIST's mission to promote economic growth by working with industry to develop technology, measurements, and standards is integral to our Nation's competitiveness in the global marketplace. Title VI of H.R. 2405 sends out the strong signal that the core scientific work being done at the NIST laboratories must be a priority.

In addition, NIST's construction account must also be maintained as another priority. Without the necessary renovation and construction of facilities, NIST will simply not be able to

adequately fulfill its basic mission in the future. The bill before us today reinforces this priority with its funding of NIST construction and modernization of its laboratories.

Title VI of H.R. 2405 provides fiscal year 1996 authorizations for the Under Secretary for Technology, for the NIST core programs, and for construction of research facilities. It also contains language permitting NIST to perform important administrative functions. These include: expanding NIST's ability to continue hiring the best and the brightest scientists; permanently extending the NIST personnel demonstration project; increasing the cap on the NIST Postdoctoral Fellows Program; providing authority to give excess scientific equipment to secondary schools; and creating authority for a NIST metro shuttle for employees, among others.

I commend the chairman for his efforts in bringing this bill to the floor and I will support its passage.

□ 1300

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. HALL], the ranking member of the Subcommittee on Space and Aeronautics.

Mr. HALL of Texas. Mr. Chairman, I thank the gentleman from California [Mr. BROWN] for yielding this time to me, and of course I rise in support of the Nation's several space programs, and there are many reasons why I take this position. Basically it is because I have seen the benefit that our spending on space exploration has delivered to our citizens over the past 37 years. Communications satellites, weather satellites that are so important in this year of the hurricanes, advanced materials that have led to improved hip and joint replacements, technologies developed for the space program that have absolutely revolutionized medical diagnostic and monitoring devices and so forth; the list is absolutely endless, and I am convinced that our continued investment in the space program will deliver equally impressive returns in the future.

As we debate H.R. 2045, the Omnibus Civilian Science Authorization Act of 1995, I would like to urge my fellow Members to make sure that we do nothing today to hurt the Nation's civil space program. We have tough decisions to make in the midst of difficult budgetary times. However, we should resist the temptation to be penny-wise and pound-foolish when it comes to one of America's most important investments in the future: Our investment in the space program.

As the former chairman of the Space Subcommittee, I have long pushed NASA to streamline its activities and be the best steward it can be of the taxpayers' money. I believe that NASA has responded to the challenge. Many Members may be unaware that NASA—with help from both Congress and the administration—has cut its funding plans by some 35 percent since 1993. In many ways, NASA has led the way in delivering a quality product at the lowest possible cost.

However, I believe that we have cut NASA just about as much as we can. To make any more cuts to NASA's budget runs the risk of unraveling all of the progress we have made and jeopardizing the projects that are so important to America's future: projects in aeronautics, in science, in space technology, and so forth. I do not believe we want to make that mistake.

Why do I feel so strongly about the space program? It is because I have seen the benefit that our spending on space exploration has delivered to our citizens over the last 37 years. Communications satellites, weather satellites—so important in this "year of the hurricanes", advanced materials that have led to improved hip and joint replacements, technologies developed for the space program that have revolutionized medical diagnostic and monitoring devices, and so forth. The list is endless, and I am convinced that our continued investment in the space program will deliver equally impressive returns in the future.

One need only look at the space station program and the research that is planned for that orbiting facility to realize that we are on the verge of an exciting era in research and development. As many of you may know, I am personally very interested in the potential for important advances in medical research that may come from experiments conducted on the space station.

When I was chairman of the Space Subcommittee, I held a series of hearings over the last 3 years on the potential benefits of space-based biomedical research. The testimony we received from some of the premier medical experts in the country—people like Dr. Michael DeBakey and Dr. Charles LeMaistre, as well as some of the most promising, up-and-coming researchers, was truly impressive, and I invite Members to review the hearing record.

We have worked hard to ensure that NASA and the National Institutes of Health develop good collaborative research activities, and that effort is bearing fruit. At a time when every family in America, on average, has someone that has been touched by the dreaded disease of cancer, we should not turn our back on any possible avenue of progress. I think that the space program has much to offer in our fight against the diseases that afflict our citizens—young and old, men and women—and we should not turn away in a misguided attempt to save a few dollars. Space is an investment in our future and that of our children. I urge my fellow Members to support the space program.

Mr. BROWN of California. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I wish I could be more optimistic in remarks I have to make about H.R. 2405. It claims to trim corporate welfare, while maintaining support for university-based research.

The rhetoric accompanying this bill claims that by maintaining funding at the National Science Foundation we are preserving our core investment in university-based research. At least in my State of Tennessee, the facts present a far different picture.

According to a National Science Foundation report, in Tennessee NSF provides only 5 percent of the Federal obligations to universities, while the Department of Energy provides 18 percent of the Federal funds going to Tennessee.

The 22-percent cut to the Oak Ridge National Laboratory means less Federal spending at Tennessee universities. In my conversations with officials at the University of Tennessee, cuts to the Oak Ridge Lab translate directly into cuts in Tennessee's research budget and access to research facilities. These cuts result in the College of Engineering losing one-third of its research funding, the Center of Biotechnology stands to lose almost three-quarters of a million dollars, and reductions to the Energy, Environment, and Resource Center could eliminate $6 million in research funds alone. Now these cuts, hiding behind the jargon of corporate welfare, directly impact university research in my State.

I would now like to talk about title VI, the provisions regarding the National Institute of Standards and Technology. This bill provides no authorization and no funding for the Advanced Technology Program and the Manufacturing Extension Partnership at NIST. The elimination of these two programs sends the strongest signal possible to our business community that we simply do not care about the harsh realities they face today. It is a matter of fact that corporate research focus today is short-term and risk-adverse and our small and medium-sized manufacturers in this country face international competition on every street corner in America. As Michael Schrage, research associate at MIT put it, what is being advocated in this portion of the bill are "science and technology policies that would have been deemed simplistic during the country's agrarian heyday."

This bill would eliminate government-industry partnerships which enjoy widespread support among the private sector, professional associations, and the university community. The actions of the Committee on Science on title VI are not based on one private-sector witness or professional association person appearing before the Subcommittee on Technology who advocated eliminating those programs.

Our major corporations are cutting research funding and focusing on short-term goals in response to the pressures of Wall Street. For example, a recent article in the New York Times of September 26, 1995, reported on the breakup of the AT&T laboratories, due to diminishing corporate interest on the brilliant breakthrough discoveries that

might lead to an entirely new generation of products. In this global economy blindly eliminating government-industry partnerships which promote private-sector investment in long-term research and development with no immediate payback such as the market forces might demand is not only short-sighted in our opinion but dangerous.

In closing may I say that Members here today should realize we are not talking about simply cuts in numbers of bureaucrats or the elimination of wasteful government programs. We are all for that. We are talking about cutting basic research at both Federal labs and universities, and cutting successful long-term industry-government partnerships.

This is the real-time, life-size embodiment of the old axiom, penny-wise and pound-foolish. Under the cover of political rhetoric I am afraid we are doing something very dangerous to our country.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I just would like to make a couple of general comments. I am going to speak later during the discussion regarding NASA, but I have been listening this morning about how we do not want to cut, we do not want to cut, and every single time we had a bill come up on this floor where there is any reductions in spending, that is the theme, and that is why we have this tremendous problem.

Mr. Chairman, we have got about a $5 trillion debt. We are going to spend $270 billion paying interest on the debt in 1996. Imagine how much we could spend on basic science research, on NASA, on other important seed corn programs, if we did not have to pay all this interest on the debt, and this minority, when it was the majority, was never able to make any of these tough decisions, and that is why they are the minority today, and, if we do not deal with this problem and make the tough decisions, as the chairman of the full committee, the gentleman from Pennsylvania [Mr. WALKER], has done, then we are going to be bankrupt. Our children are going to inherit bankruptcy.

Five trillion dollars of debt, $180,000 for every man, woman, and child; that is the problem we are dealing with. This bill preserves important programs. I support the bill.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I met several times with leadership on the other side, and let me say this:

This bill leaves the sole discretion to the Administrator to make decisions about whether or not they should delay the information to be in fact published.

Under title II the Traficant amendment says instead of "may delay upon the request of a private sector entity" "shall delay." It can only be a 1-day delay.

There is some concern coming out that if, in fact, some chief executive of a company is friends with the Administrator, that that company is going to be favorably treated. Let me say this:

Under the open-ended language of this bill with full disclosure, with full sole discretion available to the Administrator, my God, those types of things can happen overnight.

I think this is an industry-friendly amendment.

Mr. Chairman, I have only taken a minute because I want the staff to review this language. I think it makes the bill better.

Mr. BROWN of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 2 minutes.

Mr. BROWN of California. Mr. Chairman, as we indicated at the beginning of this debate, it is quite possible that this authorization bill, packaged as it is, may never see the light of the President's signature, and the significance of what we are doing really is to explore some of the policy issues and some of the semantic issues which are involved in this debate.

For example, on the Republican side they have said rather consistently that this bill is friendly to basic research, and they confess that they are cutting certain things that they call corporate welfare. This is a wonderful position to be in from a p.r. position because everybody likes basic research and nobody likes corporate welfare. So they are going to cut corporate welfare.

Now the corporate welfare they are cutting are the programs which were adopted and enacted under the last Republican administration to show that this Government wanted to be partners with American industry and to assist them. I can remember the debates we had with President Bush's science adviser and with his Cabinet members about how this could best be done. I remember the discussions with Admiral Watkins, for example, the last Secretary of Energy, about the importance of the Department of Energy making their resources available to the private sector, to the corporations, to pursue research that would have a payoff in the short and middle term, what the distinguished chairman calls corporate welfare. Now this was not Admiral Watkins' view of it. Similarly in the Department of Commerce, where they were authorized to have an Advanced Technology Program and a Manufacturing Extension Program, they wanted to cooperate with industry in doing that. They did not consider it corporate welfare, and these are the programs which, of course, are taking the brunt of these one-third cuts which we have shown in the graphs are going to take place.

Mr. WALKER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 3 minutes.

Mr. WALKER. Mr. Chairman, we have heard a lot today about extremism and the idea that one-third cuts are extreme. I would like to read one quote to my colleagues that I think is an interesting quote in that regard. It says:

> I'm also in the belief that any agency of Government can be cut probably by at least a third without seriously impairing the overall results.

That was said on September 7, 1995, about a month ago, and it was said by none other than the ranking member of the Committee on Science.

Now either one-third cuts are extreme or they can be done without impairing the overall results. I do not know which it is, but the fact is that those kinds of issues are what we are dealing with, but we have not gone through and cut by one-third with a meat ax. We have been very, very careful about how we cut things because we wanted to make certain that, as we cut programs, we cut out a lot of the fat of Government.

Now what my colleagues just heard is people standing up here and defending this whole idea of corporate welfare, that somehow if Republican administrations put it in place for the big Fortune 500 companies, that should be justification enough for us to keep it.

Wrong. None of those Republican administrations balanced the budget, not a one of them, and we were criticized day in and day out on the House floor for the fact that Ronald Reagan and George Bush were not balancing the budget.

Mr. Chairman, this Congress has come here to balance the budget. How are we going to do so if we do not do something about adjusting priorities? And that is exactly what we are doing. Is that going to be at the expense of science? No.

My colleagues saw some charts here on the floor indicating that our spending is going down while Japan is going up. Well, at least they did admit that the Japan upward line was proposed, but the fact is this country spends in R&D more than Japan, France, Italy, Great Britain, and Germany combined. All of them combined do not spend as much as we do in R&D.

So what we have got to get going is getting the right kind of priority out of R&D. Can we do that? I think we can.

Here is a pretty good article out of Science magazine, news and comment. It is talking about how Japan is behind us for instance in the human genome research. It makes the point that Japan, for all of their spending, is not doing a very good job in some instances. We think what we ought to do

is prioritize the money in this Government so we do a better job of spending it, and we cannot do a better job of spending science money by calling corporate welfare science and then spending lots of money on it.

Mr. Chairman, it is high time that we stop the Fortune 500 companies from coming in here and getting the Government to do the things that they could spend their own money on. The fact is the General Accounting Office on one of these big technology programs, the ATP program, the Advanced Technology Program, said that 80 percent of the money would have or might have been done by the companies if the Government had not provided the money. That tells us the right thing.

We support basic research; that is what needs to be done.

Mr. HOYER. Mr. Chairman, I rise today in opposition to H.R. 2405, the Omnibus Science Research Authorization Act of 1995. While the bill contains provisions which I support, I believe the bill cuts deeply into the Federal science research and development budget. I recognize that there must be cuts in many of these programs, however this bill clearly lessens our ability to excel in achieving the highest quality research and development. Now more than ever, we need to stay the course. The research performed and gained from these agencies and the entities they support are crucial to the vitality of our Nation.

Science plays a key role in the economic and technological development of our Nation. As an important player in the global economy, we must ensure that we are unrelenting in our efforts to remain competitive. The reductions contained in this bill are shortsighted and make unnecessary cuts to vital research and development programs. Therefore, it is important that we oppose this measure which makes cuts to prevent us from achieving our goal.

The bill authorizes $21.5 billion in fiscal year 1996 for several science programs and agencies. Its authorization level is $3 billion less than fiscal year 1995, and $3.6 billion less than the administration's request. It makes cuts in various agencies which provide critical research and information which benefit the Nation.

The bill provides $54 million less than the fiscal year 1995 and $228 million less than the administration's request for the National Science Foundation. While this may be a small cut, it represents the first time the National Science Foundation has received decreased funding. The National Science Foundation provides excellent support for research in the physical and mathematical sciences at universities. Moreover, it plays a significant role in ensuring that universities such as the University of Maryland and Johns Hopkins University maintain a standard of excellence in research which is internationally recognized. At a time when the reponsibilities and activities of the National Science Foundation are increasing, it does not make sound sense to make big cuts to its budget.

The bill authorizes a total of $1.7 billion for fiscal year 1996 for the National Oceanic and Atmospheric Administration [NOAA]. This represents $297 million less than the fiscal year 1995 funding and $476 million less than the administration's request. Mr. Chairman, this is particularly disturbing given that NOAA is presently in the middle of their efforts to modernize and restructure the National Weather Service.

The bill authorizes $4.3 billion in fiscal year 1996 civilian research, development, demonstration, and commercial application activities for the Energy Department. This is a decrease of $1.4 billion from the administrations request and $1.1 billion less than the fiscal year 1995 funding level. It is clear that as our fossil fuels and other resources become scarce, these programs are increasingly important.

As I stated previously, there are provisions in the bill which I support. I want to thank Congresswoman HARMAN and my colleague from Maryland, Mr. BARTLETT, for their efforts to restore funding for the Mission to Planet Earth Program. I also want to thank the chairman and the committee for accepting the Harman-Bartlett amendment during the full committee markup of the NASA authorization bill.

Mission to Planet Earth produces practical benefits and long-term understanding of the environment. The centerpiece of Mission to Planet Earth is the Earth Observing System [EOS]. EOS will help us understand the causes of natural disasters and how to respond to them. The importance of the EOS Program becomes clearer when we look at the record number of hurricanes we have experienced this year. EOS will allow us to dramatically improve weather forecasts and improve agricultural and natural resources productivity. EOS will generate the facts needed to make objective decisions about the environment.

I am also pleased with the $28 million funding level for the U.S. Fire Administration and the National Fire Academy in fiscal years 1996 and 1997. This small investment in our Nation's fire safety and emergency medical activities provides the American people with the finest public education, fire prevention and control, and research into fire suppression in the world.

No one doubts the data which ranks the United States below many other industrialized countries in fire safety. The funds in this bill will enable the National Fire Academy to continue to provide the best training in the world to our Nation's first responders.

There are more than 340 Members of this body in the bipartisan Fire Services Caucus. We all must continue to support the U.S. Fire Administration, which provides the backbone of our Nation's fire safety and protection services.

Today, it is my intention to support the Brown substitute which provides sufficient levels of funding to keep our science programs on track. Not only does the Brown substitute provide sufficient operating levels for the National Science Foundation, NOAA, and the Department of Energy's research and development program, it authorizes higher levels for Mission to Planet Earth and the U.S. Fire Administration. The Brown substitute moves us in the direction we ought to be going with our science budget. The research and development we perform today will lead to a better quality of life for us all tomorrow. Therefore, I would urge my colleagues to oppose the committee bill and support the Brown substitute.

Ms. HARMAN. Mr. Chairman, I rise today to voice my support for a strong, balanced civil space program, and in particular for NASA's Mission to Planet Earth Program.

Title II of H.R. 2405 contains a bipartisan amendment which I offered at full committee with my colleague Mr. BARTLETT of Maryland. That amendment, which was adopted by voice in the Science Committee, restored $274 million of the $323 which had been cut from Mission to Planet Earth. The amendment was budget neutral and required a corresponding general reduction at NASA to pay for the increased Mission to Planet Earth authorization.

The intent of both Mr. BARTLETT and myself, as well as the language of the amendment, is unambiguous—the amendment authorized an additional $274 million for Mission to Planet Earth, but placed certain conditions on the obligation or expenditure of such additional funds. No conditions or limits were placed on the actual authorization or appropriations.

The most important obligation or expenditure condition was a requirement that the NASA Administrator report to Congress on a plan for implementing the recommendations of a recently completed National Academy of Sciences review of the Mission to Planet Earth Program.

The National Academy's report, which was released last month, validates the committee's actions of authorizing the additional $274 million. In particular, the report recommends that the Earth Observing System's PM–1 and Chem-1 missions be implemented without delay—an important endorsement in light of earlier committee report language which advocated delaying the missions to realize savings. Additionally, the National Academy found that the scientific basis of Mission to Planet Earth is fundamentally sound, and that any further budgetary reductions would severely damage the program.

Mr. Chairman, Mission to Planet Earth's scientific and economic benefits are numerous. In addition to providing invaluable information on global change, the program's scientific data will help us better understand the effects of El Nino conditions on our Nation's farms, and will further the developing science of risk assessment.

I urge my colleagues to support NASA's Mission to Planet Earth, as an integral part of a civil space program which balances human space flight with science, aeronautics, and technology.

Mr. TANNER. Mr. Chairman, I wish I could be more optimistic in my remarks, but I cannot. H.R. 2405, the Omnibus Civilian Science Authorization Act of 1995 claims to trim corporate welfare, while maintaining support for university-based research. But it does not. H.R. 2405 cuts civilian R&D Programs by 12 percent in fiscal year 1996, the first step in the majority's plan to cut Federal R&D spending by 33 percent over the next 7 years. The rhetoric accompanying H.R. 2405 claims that by maintaining funding at the National Science Foundation we're preserving our core investment in university-based research.

At least in my State of Tennessee, the facts present a different picture. According to an NSF report, in Tennessee NSF provides only

5 percent of the Federal obligations to universities, while the Department of Energy provides 18 percent of Federal funds. Cuts to DOE's Health, Environment and Safety account and to Energy R&D will impact universities and colleges across the State—at Fisk University, Middle Tennessee State University, Tennessee State University, Tennessee Technological University, the University of Memphis, the University of Tennessee, and Vanderbilt University.

The 22 percent cut to the Oak Ridge National Lab also means less Federal spending at Tennessee Universities. In my conversations with officials at the University of Tennessee, cuts to Oak Ridge translate directly into cuts to the University of Tennessee's research budget and access to research facilities. These cuts could result in the College of Engineering losing one-third of its research funding, the Center of Biotechnology stands to lose almost three-quarters of a million dollars, and reductions to the Energy, Environment and Resource Center could eliminate $6 million in research funds for the University of Tennessee. These cuts, hiding behind jargon of corporate welfare, directly impact university research. And although we have been told that NSF will grow by 10 percent over the next 7 years, according to the University of Tennessee this will not make up the difference—there will simply be more competition for less funds.

I would now like to address the provisions in title VI of H.R. 2405 regarding the National Institute of Standards and Technology [NIST]. This bill provides no authorization and no funding for the Advanced Technology program and the Manufacturing Extension Partnership [MEP] at NIST. The elimination of the ATP and the MEP sends a strong signal to the business community that we don't care about the harsh economic realities they face today. Corporate research focus is short-term and risk adverse and our small and medium-sized manufactures face international competitors on every street corner in America. As Michael Schrage, research associate at MIT put it, what's being advocated are "science and technology policies that would have been deemed simplistic during the country's agrarian heyday."

We are eliminating government/industry partnerships which enjoy widespread support among the private sector, professional associations, and the university community. What has the Science Committee based it's actions on? Not the hearing record. Not one private sector witness or professional association appearing before the Technology Subcommittee has advocated eliminating those programs. Our major corporations are cutting research funding and focusing on short term goals in response to the pressures of Wall Street. For example, a recent article in the New York Times (26 September 1995) reported on the break-up of the AT&T lab, due to diminishing corporate interest on the brilliant breakthrough discoveries that might lead to an entirely new generation of products.

We should not be blindly eliminating government/industry partnerships which promote private sector investment in long-term, high-risk research that is vital to our economic future.

In closing, Members here today should realize that what we're talking about aren't simply cuts in numbers of bureaucrats or the elimination of wasteful Government programs—we're cutting basic research at both Federal labs and at universities, and we're cutting successful industry/Government partnerships.

We should not be penny-wise and pound foolish. Under the cover of political rhetoric, we're in danger of indiscriminately chopping research and undermining a system that has for decades produced the best scientists and engineers in the world.

I am all for fiscal conservativism and deficit reduction, but the need to cut the deficit is no excuse for setting aside common sense and good judgment.

I urge my colleagues to support the conservative substitute for H.R. 2405.

Mr. HAYES. Mr. Chairman, I rise today in strong support for the amendment by my colleague from Alaska and Chairman of the House Resources Committee, which strikes section 422(b) of H.R. 2405, thereby preventing passage of the bill with a shortsighted and under-funded Sea Grant program.

During the full committee mark up on H.R. 1175, the Sea Grant Authorization Bill, in the Science Committee, I and other members received assures from the Chair that we would be consulted as the process moved forward to address concerns with the low funding levels advocated by the chairman's mark. I reluctantly supported reporting the bill for consideration on the floor with the understanding that we would work together to resolve the situation. The presence of the same language in H.R. 2405 raises serious questions about whether the Science Committee ever had any true intention of working with me or other Members to properly raise funding levels.

The appropriators on both sides of the Capitol have made a commitment to and recognized the importance of the Sea Grant Program by designating over $50 million. The Resources Committee version of H.R. 1175 similarly orders the priorities of the program in a responsible manner and reasonably authorizes $53 million. The provisions of H.R. 2405, however, do not realize the contributions that Sea Grant makes to research and outreach on matters critical to the survival of coastal communities. The Science Committee's $36 million is not satisfactory.

The Sea Grant Program has been a highly acclaimed and successful research program to advance our cognizance of marine sciences and subsequently apply that knowledge to assist coastal communities in better managing their marine resources. Since 1968, Louisiana Sea Grant, for example, has been instrumental in helping people living and working in coastal Louisiana to improve marine conservation through research, education, and advisory services. By addressing vital economic, environmental, and resource management issues, Louisiana Sea Grant has facilitated the effective implementation of many Federal and State conservation policies to preserve our marine and fisheries resources in the Gulf of Mexico, while at the time protecting our important economic industries that depend on those same resources.

Louisiana Sea Grant's advisory and extension services were especially crucial in facilitating gulfwide workshops to better inform shrimpers about appropriate compliance with turtle excluder devise [TED] regulations as required by the National Marine Fisheries Service to enforce the Endangered Species Act. While, like most shrimpers, I question the legitimacy of the science justifying the rule itself, the shrimping community unanimously praised these meetings as productive.

Moreover, Sea Grant's research and education efforts will also assist us in improving our understanding the causes of Vibro vulnificus and could be an integral component in our fight to preserve the Gulf Coast oyster industry. By recognizing causes of Vibrio, timely data can be distributed to the public to prevent the misinformation about at-risk consumer populations.

H.R. 2405's $36 million will not satisfactorily enable Sea Grant to perform all of these functions. I understand and expect that Chairman YOUNG will expeditiously bring H.R. 1175 to the floor for full and fair debate of the higher authorization numbers. For the long-term sustainability of our marine resources, I commend my colleague from Alaska and again urge Members to support the Young amendment.

Mr. Chairman, I rise today in strong support for the amendment by my colleague from Pennsylvania, Mr. DOYLE, which increases the amounts in conservation and fossil fuel research and development accounts in H.R. 2405 up to the levels contained within the fiscal year 1996 Interior Appropriations conference report.

In my home State of Louisiana, the downturn in the oil and gas boom of the 1980's has devastated our economy. We are only now starting to recover. The research efforts of the Department of Energy, in cooperation and partnership with universities across our State, are and will continue to be critical to the future hope of ailing Gulf Coast businesses which still depend on oil and gas for significant portions of their income.

Embodied in the Doyle amendment, we have an opportunity to provide needed additional dollars for research for purposes of determining potential strategies for increasing our dwindling domestic energy resources. At the same time, Mr. DOYLE recognizes the House's obligation to balance the Federal budget and does so by following the path of the appropriators for fiscal year 1996 spending. In his remarks during the full committee mark up on the Department of Energy R and D bill, H.R. 1815, Chairman WALKER when referring to the premise behind his substitute amendment stated that "if we found, in the course of the on-going process, that additional moneys were going to be made available in energy accounts, that in fact the committee should be given a chance to act on those additional monies." The Doyle amendment accomplishes precisely that objective. In fact, as my colleagues are well aware, the House Interior Appropriations Bill included higher fiscal year 1996 figures which acknowledge the importance of a Federal presence in research and development of fossil fuels and energy conservation.

The conservation and fossil programs provide near-term and long-term benefits in the development of innovative technologies to reduce energy use, commercialize new energy efficient products, make exploration and extraction of energy sources cheaper and more efficient, and promote national energy security.

John Henry, the first Secretary of the Smithsonian Institution, once said that "science is the pursuit above all which impresses us with the capacity of man for intellectual and moral progress and awakens the human intellect to aspiration for higher condition of humanity."

It is in this spirit that I urge my colleagues to adopt the Doyle amendment and to demonstrate our commitment to invest in the improvement of the condition of every American through this vital energy research.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and the first section and each title shall be considered read.

An amendment striking section 304(b)(3) of the bill is adopted.

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.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Civilian Science Authorization Act of 1995".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL SCIENCE FOUNDATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—National Science Foundation Authorization

Sec. 111. Authorization of appropriations.
Sec. 112. Proportional reduction of research and related activities amounts.
Sec. 113. Consultation and representation expenses.
Sec. 114. Reprogramming.
Sec. 115. Further authorizations.

Subtitle B—General Provisions

Sec. 121. Annual report.
Sec. 122. National research facilities.
Sec. 123. Eligibility for research facility awards.
Sec. 124. Administrative amendments.
Sec. 125. Indirect costs.
Sec. 126. Research instrumentation and facilities.
Sec. 127. Financial disclosure.
Sec. 128. Educational leave of absence for active duty.
Sec. 129. Prohibition of lobbying activities.
Sec. 130. Science Studies Institute.
Sec. 131. Educational impact.
Sec. 132. Divisions of the Foundation.
Sec. 133. Limitation on appropriations.
Sec. 134. Eligibility for awards.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Definitions.

Subtitle B—Authorization of Appropriations

Chapter 1—Authorizations

Sec. 211. Human space flight.
Sec. 212. Science, aeronautics, and technology.
Sec. 213. Mission support.
Sec. 214. Inspector General.
Sec. 215. Total authorization.
Sec. 216. Additional authorization and corresponding reduction.
Sec. 217. Limited availability.

Chapter 2—Restructuring the National Aeronautics and Space Administration

Sec. 221. Findings.
Sec. 222. Asset-based review.

Chapter 3—Limitations and Special Authority

Sec. 231. Use of funds for construction.
Sec. 232. Availability of appropriated amounts.
Sec. 233. Reprogramming for construction of facilities.
Sec. 234. Consideration by committees.
Sec. 235. Limitation on obligation of unauthorized appropriations.
Sec. 236. Use of funds for scientific consultations or extraordinary expenses.
Sec. 237. Limitation on transfer to Russia.

Subtitle C—Miscellaneous Provisions

Sec. 241. Commercial space launch amendments.
Sec. 242. Office of Air and Space Commercialization authorization.
Sec. 243. Requirement for independent cost analysis.
Sec. 244. National Aeronautics and Space Act of 1958 amendments.
Sec. 245. Procurement.
Sec. 246. Additional National Aeronautics and Space Administration facilities.
Sec. 247. Purchase of space science data.
Sec. 248. Report on Mission to Planet Earth.
Sec. 249. Shuttle privatization.
Sec. 250. Aeronautical research and technology facilities.
Sec. 251. Launch voucher demonstration program amendments.
Sec. 252. Privatization of microgravity parabolic flight operations.
Sec. 253. Eligibility of awards.
Sec. 254. Prohibition of lobbying activities.
Sec. 255. Limitation on appropriations.
Sec. 256. Unitary Wind Tunnel Plan Act of 1949 amendments.

TITLE III—DEPARTMENT OF ENERGY

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations.
Sec. 304. Funding limitations.
Sec. 305. Limitation on appropriations.
Sec. 306. Merit review requirements for awards of financial assistance.
Sec. 307. Policy on capital projects and construction.
Sec. 308. Further authorizations.
Sec. 309. High energy and nuclear physics.
Sec. 310. Prohibition of lobbying activities.
Sec. 311. Eligibility for awards.
Sec. 312. Termination costs.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sec. 401. Short title.
Sec. 402. Definitions.

Subtitle A—Atmospheric, Weather, and Satellite Programs

Sec. 411. National Weather Service.
Sec. 412. Atmospheric research.
Sec. 413. National Environmental Satellite, Data, and Information Service.

Subtitle B—Marine Research

Sec. 421. National Ocean Service.
Sec. 422. Ocean and Great Lakes research.
Sec. 423. Use of ocean research resources of other Federal agencies.

Subtitle C—Program Support

Sec. 431. Program support.

Subtitle D—Streamlining of Operations

Sec. 441. Program terminations.
Sec. 442. Limitations on appropriations.
Sec. 443. Reduction in the commissioned officer corps.

Subtitle E—Miscellaneous

Sec. 451. Weather data buoys.
Sec. 452. Duties of the National Weather Service.
Sec. 453. Reimbursement of expenses.
Sec. 454. Eligibility for awards.
Sec. 455. Prohibition of lobbying activities.
Sec. 456. Report on laboratories.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Authorization of appropriations.
Sec. 504. Scientific research review.
Sec. 505. Prohibition of lobbying activities.
Sec. 506. Eligibility for awards.
Sec. 507. Graduate student fellowships.

TITLE VI—TECHNOLOGY

Subtitle A—Technology Administration

Sec. 601. Short title.
Sec. 602. Authorization of appropriations.
Sec. 603. National Institute of Standards and Technology Act amendments.
Sec. 604. Stevenson-Wydler Technology Innovation Act of 1980 amendments.
Sec. 605. Personnel.
Sec. 606. Fastener Quality Act amendments.
Sec. 607. Prohibition of lobbying activities.
Sec. 608. Limitation on appropriations.
Sec. 609. Eligibility for awards.
Sec. 610. Standards conformity.
Sec. 611. Further authorizations.

TITLE VII—UNITED STATES FIRE ADMINISTRATION

Sec. 701. Short title.
Sec. 702. Authorization of appropriations.
Sec. 703. Fire safety systems in Army housing.
Sec. 704. Successor fire safety standards.
Sec. 705. Termination or privatization of functions.
Sec. 706. Report on budgetary reduction.

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The CHAIRMAN. Are there any amendments to section 1?

Mr. SCHIFF. Mr. Chairman, I move to strike the last word as to title I, for the purpose of engaging in a brief colloquy with the chairman of the committee, the gentleman from Pennsylvania [Mr. WALKER].

In section 134 entitled "Eligibility for Awards," it states: "The director shall exclude any person who receives an earmark." I have been asked by several universities as to what the definition of "any person" is. Could the chairman please clarify how he interprets this language?

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

Mr. SCHIFF. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would certainly interpret "person" narrowly to mean only an awardee institution and not its affiliates or subcontractors. Similarly, we would not view contracts that receive funding under the Federal acquisition regulation procedures for

noncompetitive procurements as "not subjected to a competitive, merit-based award process."

Mr. SCHIFF. Further on that section, Mr. Chairman, if a university receives an earmark and refuses it, would this section prohibit them from receiving future funding?

Mr. WALKER. Mr. Chairman, I would like to point out we used the words "received funds." If we had used the term "awarded funds," then we would have had a problem; however, should the university never receive the funds because they refused to accept them, then this section would not apply.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will designate title I. The text of title I is as follows:

TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. SHORT TITLE.

This title may be cited as the "National Science Foundation Authorization Act of 1995".

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) the term "Director" means the Director of the Foundation;

(2) the term "Foundation" means the National Science Foundation;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

Subtitle A—National Science Foundation Authorization

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1996.—There are authorized to be appropriated to the Foundation $3,126,000,000 for fiscal year 1996, which shall be available for the following categories:

(1) Research and Related Activities, $2,226,300,000, which shall be available for the following subcategories:

(A) Mathematical and Physical Sciences, $632,200,000.

(B) Engineering, $311,600,000.

(C) Biological Sciences, $293,300,000.

(D) Geosciences, $408,800,000.

(E) Computer and Information Science and Engineering, $249,500,000.

(F) Social, Behavioral, and Economic Sciences, $111,300,000.

(G) United States Polar Research Programs, $156,000,000.

(H) United States Antarctic Logistical Support Activities, $62,600,000.

(I) Critical Technologies Institute, $1,000,000.

(2) Education and Human Resources Activities, $600,000,000.

(3) Major Research Equipment, $70,000,000.

(4) Academic Research Facilities Modernization, $100,000,000.

(5) Salaries and Expenses, $120,000,000.

(6) Office of Inspector General, $4,500,000.

(7) Headquarters Relocation, $5,200,000.

(c) FISCAL YEAR 1997.—There are authorized to be appropriated to the Foundation $3,171,400,000 for fiscal year 1997, which shall be available for the following categories:

(1) Research and Related Activities, $2,286,200,000.

(2) Education and Human Resources Activities, $600,000,000.

(3) Major Research Equipment, $55,000,000.

(4) Academic Research Facilities Modernization, $100,000,000.

(5) Salaries and Expenses, $120,000,000.

(6) Office of Inspector General, $5,000,000.

(7) Headquarters Relocation, $5,200,000.

SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 111(b)(1) is less than the amount authorized under that paragraph, the amount authorized for each subcategory under that paragraph shall be reduced by the same proportion.

SEC. 113. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this title, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 114. REPROGRAMMING.

(a) $500,000 OR LESS.—In any given fiscal year, the Director may transfer appropriated funds among the subcategories of Research and Related Activities, so long as the net funds transferred to or from any subcategory do not exceed $500,000.

(b) GREATER THAN $500,000.—In addition, the Director may propose transfers to or from any subcategory exceeding $500,000. An explanation of any proposed transfer under this subsection must be transmitted in writing to the Committee on Science of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only when 30 calendar days have passed after transmission of such written explanation.

SEC. 115. FURTHER AUTHORIZATIONS.

Nothing in this title shall preclude further authorization of appropriations for the National Science Foundation for fiscal year 1996: *Provided*, That authorization allocations adopted by the Conference Committee on House Concurrent Resolution 67, and approved by Congress, allow for such further authorizations.

Subtitle B—General Provisions

SEC. 121. ANNUAL REPORT.

Section 3(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(f)) is amended to read as follows:

"(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

"(1) contain a strategic plan, or an update to a previous strategic plan, which—

"(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

"(B) describe how the identified goals relate to national needs and will exploit new opportunities in science and technology;

"(2) identify the criteria and describe the procedures which the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraph (1);

"(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multi-agency research and education initiatives;

"(4) contain such recommendations as the Foundation considers appropriate; and

"(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.".

SEC. 122. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, as a part of the report required under section 3(f) of the National Science Foundation Act of 1950, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this title or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1994.

SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: "The Director shall give priority to institutions or consortia that have not

received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear project.".

SEC. 124. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating the subsection (k) of section 4 (42 U.S.C. 1863(k)) that was added by section 108 of the National Science Foundation Authorization Act of 1988 as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.";

(3) by inserting "be entitled to" between "shall" and "receive", and by inserting ", including traveltime," after "Foundation" in section 14(c) (42 U.S.C. 1873(c));

(4) by striking section 14(j) (42 U.S.C. 1873(j)); and

(5) by striking "Atomic Energy Commission" in section 15(a) (42 U.S.C. 1874(a)) and inserting in lieu thereof "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking "social," the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.".

(2) Section 117(a)(3)(A) of such Act (42 U.S.C. 1881b(3)(A)) is amended by striking "Science and Engineering Education" and inserting in lieu thereof "Education and Human Resources".

(d) EDUCATION FOR ECONOMIC SECURITY ACT AMENDMENTS.—Section 107 of Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 125. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates.

(b) REPORT.—The Director of the Office of Science and Technology Policy, in consultation with other relevant agencies, shall prepare a report analyzing what steps would be needed to—

(1) reduce by 10 percent the proportion of Federal assistance to institutions of higher education that are allocated for indirect costs; and

(2) reduce the variance among indirect cost rates of different institutions of higher education,

including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1995.

SEC. 126. RESEARCH INSTRUMENTATION AND FACILITIES.

The Foundation shall incorporate the guidelines set forth in Important Notice No. 91, dated March 11, 1983 (48 Fed. Reg. 15754, April 12, 1983), relating to the use and operation of Foundation-supported research instrumentation and facilities, in its notice of Grant General Conditions, and shall examine more closely the adherence of grantee organizations to such guidelines.

SEC. 127. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 as are permanent employees of the Foundation in equivalent positions.

SEC. 128. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1995, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 129. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 130. SCIENCE STUDIES INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal 1991 (42 U.S.C. 6686) is amended—

(1) by striking "Critical Technologies Institute" in the section heading and in subsection (a), and inserting in lieu thereof "Science Studies Institute";

(2) in subsection (b) by striking "As determined by the chairman of the committee referred to in subsection (c), the" and inserting in lieu thereof "The";

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting "science and" after "developments and trends in" in paragraph (1);

(B) by striking "with particular emphasis" in paragraph (1) and all that follows through the end of such paragraph and inserting in lieu thereof "and developing and maintaining relevant informational and analytical tools.";

(C) by striking "to determine" and all that follows through "technology policies" in paragraph (2) and inserting in lieu thereof "with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues";

(D) by amending paragraph (3) to read as follows:

"(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.";

(E) by inserting "science and" after "Executive branch on" in paragraph (4)(A); and

(F) by amending paragraph (4)(B) to read as follows:

"(B) to the interagency committees and panels of the Federal Government concerned with science and technology.";

(5) in subsection (d), as so redesignated by paragraph (3) of this subsection, by striking "subsection (d)" and inserting in lieu thereof "subsection (c)"; and

(6) by amending subsection (f), as so redesignated by paragraph (3) of this subsection, to read as follows:

"(f) SPONSORSHIP.—The Director of the Office of Science and Technology Policy shall be the sponsor of the Institute.".

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science Studies Institute.

SEC. 131. EDUCATIONAL IMPACT.

(a) FINDINGS.—The Congress finds that—

(1) Federal research funds made available to institutions of higher education often create incentives for such institutions to emphasize research over undergraduate teaching and to narrow the focus of their graduate programs; and

(2) National Science Foundation funds for Research and Related Activities should be spent in the manner most likely to improve the quality of undergraduate and graduate education in institutions of higher education.

(b) EDUCATIONAL IMPACT.—(1) The impact that a grant or cooperative agreement by the National Science Foundation would have on undergraduate and graduate education at an institution of higher education shall be a factor in any decision whether to award such grant or agreement to that institution.

(2) Paragraph (1) shall be effective with respect to any grant or cooperative agreement awarded after September 30, 1996.

(c) REPORT.—The Director shall provide a plan for the implementation of subsection (b) of this section, no later than December 31, 1995, to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate.

SEC. 132. DIVISIONS OF THE FOUNDATION.

(a) AMENDMENT.—Section 8 of the National Science Foundation Act of 1950 (42 U.S.C. 1866) is amended by inserting "The Director may appoint, in consultation with the Board, not more than 6 Assistant Directors to assist in managing the Divisions." after "time to time determine.".

(b) REPORT.—By November 15, 1995, the Director shall transmit to the Congress a report on the reorganization of the National Science Foundation required as a result of the amendment made by subsection (a).

SEC. 133. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by an Act of Congress with respect to such fiscal year.

SEC. 134. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Director shall exclude from consideration for awards of financial assistance made by the Foundation after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 10, strike line 1 through line 7.

Mr. BROWN of California. Mr. Chairman, this is not a matter of monumental importance. I will not belabor it at all if the majority is willing to accept the amendment, which merely strikes section 115 on page 10. I should explain that it has no effect in law or anything else, as far as I can tell.

In the debate over the bill that this involves, the National Science Foundation, there was some discussion in the committee that the appropriators had already appropriated more money than this bill provided. I think the chairman of the committee, in his wisdom, said that he would concede that, and that if we wanted to authorize more money, we could do it later on. This reflects that understanding.

It says: "Nothing in this title shall preclude further authorization of appropriations for the National Science Foundation," and then it has a proviso that the authorization allocations adopted by the conference committee on House Concurrent Resolution 67 and approved by Congress should allow for further authorization.

Mr. Chairman, to begin with, the first line is of no effect, because we know we can authorize any time we can get the House to approve it, which means generally getting the action through the Committee on Rules, to the floor, and getting the floor to accept it, and then the Senate to accept it and the President to sign it. We can do that any time. It does not have to be set forth in this bill.

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

Mr. BROWN of California. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, as the gentleman knows, at the time that language was inserted into the bill we were at different points in the budget process. I think where we are now, in view of the fact of where we are now, I think the gentleman's amendment is well taken. We are prepared to accept it.

Mr. BROWN of California. I appreciate that, Mr. Chairman.

Let me conclude by making one further remark. "The proviso that authorization allocations adopted by the conference Committee on the Budget resolution allows for it." Now, we all know there is nothing in the budget resolution that pertains to authorization. It pertains only to appropriations. Therefore, to have this language in here, which implies that something in the budget amendment would relate to authorizations for the National Science Foundation is a fiction, so that is not necessary either. I am happy to accept the gentleman's willingness to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996".

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration has failed to request sufficient funds to perform all missions it has proposed in annual budget requests. For fiscal year 1996, the budget requested is $140,000,000 below the amount required to fulfill program commitments made by the fiscal year 1995 budget approved by Congress. The request for fiscal year 1996 proposes continued underfunding of the requirements of the National Aeronautics and Space Administration by $439,000,000 for fiscal year 1997, $847,000,000 for fiscal year 1998, $1,189,000,000 for fiscal year 1999, and $1,532,000,000 for fiscal year 2000.

(2) In order to close the gap between projected program requirements and the underfunding requested, the National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and private sector systems.

(3) While institutional reforms, restructurings, and downsizing hold the promise of comporting the projected needs of the National Aeronautics and Space Administration with funding levels requested by the Administration, such reforms provide no guarantee against cancellation of missions in the event reform efforts fail to achieve cost reduction targets.

(4) The National Aeronautics and Space Administration must reverse its current trend toward becoming an operational agency, and return to its proud history as the Nation's leader in basic scientific air and space research.

(5) Commercial space activity is in a delicate state of growth but has the potential to eclipse Federal space activity in its economic return to the Nation if not stifled.

(6) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space launch that could radically alter the manner in which the Government approaches its space mission.

(7) The overwhelming preponderance of the Federal Government's requirements for routine, nonemergency manned and unmanned space transportation can be most effectively, efficiently, and economically met by a free and competitive market in privately developed and operated launch services.

(8) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively pursue reverse contracting opportunities to support the private sector development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and manner space systems.

(9) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it does not—

(i) otherwise harm or interfere with the ability of United States private sector firms to develop or explore space commercially;

(ii) interfere with the ability of Federal agencies to use space to complete their missions;

(iii) undermine the ability of United States private enterprise to compete favorably with foreign entities in the commercial space arena; or

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

(10) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

SEC. 203. DEFINITIONS.

For purposes of this title—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

Subtitle B—Authorization of Appropriations

CHAPTER 1—AUTHORIZATIONS

SEC. 211. HUMAN SPACE FLIGHT.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Human Space Flight the following amounts:

(1) For Space Shuttle Operations, $2,341,800,000.

(2) For Space Shuttle Safety and Performance Upgrades, $837,000,000.

(3) For Payload and Utilization Operations, $315,000,000.

(4) For Russian Cooperation, $100,000,000.

(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds authorized to be appropriated under subsection (a)(2), $5,000,000 are authorized for modernization of the Firex Systems, Pads A and B, Kennedy Space Center.

(2) Of the funds authorized to be appropriated under subsection (a)(2), $7,500,000 are authorize for replacement of the Chemical Analysis Facility, Kennedy Space Center.

(3) Of the funds authorized to be appropriated under subsection (a)(2), $4,900,000 are authorized for replacement of the Space Shuttle Main Engine Processing Facility, Kennedy Space Center.

SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science, $1,995,400,000, of which—

(A) $1,167,600,000 are authorized for Physics and Astronomy, of which $51,500,000 shall be for the Gravity Probe B, except that no funds are authorized for the Space Infrared Telescope Facility; and

(B) $827,800,000 are authorized for Planetary Exploration, of which $30,000,000 shall be for the New Millennium Spacecraft, including $5,000,000 for the National Aeronautics and Space Administration's participation in Clementine 2 (Air Force Program Element 0603401F Advanced Spacecraft Technology).

(2) For Life and Microgravity Sciences and Applications, $293,200,000.

(3) For Mission to Planet Earth, $1,013,100,000, of which $21,500,000 shall only be for activities described in section 248(b)(7)(A), except that no funds are authorized for the Consortium for International Earth Science Information Network (except as provided in section 217) or the Topex Poseidon Follow-On mission. Funds authorized by this paragraph may not be expended to duplicate private sector or other Federal activities or to procure systems to provide data unless the Administrator certifies to Congress that no private sector or Federal entity can provide suitable data in a timely manner. Notwithstanding any other provision of law, funds in excess of those authorized by this paragraph may not be obligated for Mission to Planet Earth.

(4) For Space Access and Technology, $639,800,000 of which—

(A) $193,000,000 are authorized for Advanced Space Transportation;

(B) $10,000,000 are authorized to be made available for defraying the costs of converting or redesigning commercially inconsistent elements of former Federal facilities or to take actions required for conformance with Federal laws or regulations relating to commercial space transportation infrastructure, to remain available until expended;

(C) $20,000,000 shall be for continuing the Launch Voucher Demonstration Program authorized under section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993(15 U.S.C. 5803); and

(D) $33,900,000 are authorized for the Small Spacecraft Technology Initiative, except that funds for such Initiative may not be expended to duplicate private sector activities or to fund any activities that a private sector entity is proposing to carry out for commercial purposes. No funds are authorized under this paragraph for the Partnership for Next Generation Vehicle.

(5) For Aeronautical Research and Technology, $826,900,000, of which—

(A) $354,700,000 are authorized for Research and Technology Base activities;

(B) $245,500,000 are authorized for High Speed Research;

(C) $133,,000,000 are authorized for Advanced Subsonic Technology, except that no funds are authorized for concept studies for Advanced Traffic Management and Affordable Design and Manufacturing;

(D) $40,200,000 are authorized for High-Performance Computing and Communications; and

(E) $48,100,000 are authorized for Numerical Aerodynamic Simulation.

(6) For Mission Communication Services, $461,300,000.

(7) For Academic Programs, $102,200,000.

(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds authorized to be appropriated under subsection (a)(3), $17,000,000 are authorized for construction of the Earth Systems Science Building, Goddard Space Flight Center.

(2) Of the funds authorized to be appropriated under subsection (a)(5), $5,400,000 are authorized for modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.

(3) Of the funds authorized to be appropriated under subsection (a)(2), $3,000,000 are authorized for the construction of an addition to the Microgravity and Development Laboratory, Marshall Space Flight Center.

SEC. 213. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance, $37,600,000.

(2) For Space Communication Services, $319,400,000.

(3) For Construction of Facilities, including land acquisition, $152,600,000, of which—

(A) $6,300,000 shall be for restoration of Flight Systems Research Laboratory, Ames Research Center;

(B) $3,000,000 shall be for restoration of chilled water distribution system, Goddard Space Flight Center;

(C) $4,800,000 shall be for replacing chillers, various buildings, Jet Propulsion Laboratory;

(D) $1,100,000 shall be for rehabilitation of electrical distribution system, White Sands Test Facility, Johnson Space Center;

(E) $4,200,000 shall be for replacement of main substation switchgear and circuit breakers, Johnson Space Center;

(F) $1,800,000 shall be for replacement of 15kV load break switches, Kennedy Space Center;

(G) $9,000,000 shall be for rehabilitation of Central Air Equipment Building, Lewis Research Center;

(H) $4,700,000 shall be for restoration of high pressure air compressor system, Marshall Space Flight Center;

(I) $6,800,000 shall be for restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center;

(J) $1,400,000 shall be for restoration of canal lock, Stennis Space Center;

(K) $2,500,000 shall be for restoration of primary electrical distribution systems, Wallops Flight Facility;

(L) $30,000,000 shall be for repair of facilities at various locations, not in excess of $1,500,000 per project;

(M) $30,000,000 shall be for rehabilitation and modification of facilities at various locations, not in excess of $1,500,000 per project;

(N) $2,000,000 shall be for minor construction of new facilities and additions to existing facilities at various locations, not in excess of $750,000 per project;

(O) $10,000,000 shall be for facility planning and design not otherwise provided for; and

(P) $35,000,000 shall be for environmental compliance and restoration.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support, $2,094,800,000.

SEC. 214. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General, $17,300,000 for fiscal year 1996.

SEC. 215. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this title shall not exceed $11,547,400,000 for fiscal year 1996.

SEC. 216. ADDITIONAL AUTHORIZATION AND CORRESPONDING REDUCTION.

(a) AUTHORIZATION.—In addition to amounts authorized by section 212(a)(3), there are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Mission to Planet Earth $274,360,000, to be derived from amounts otherwise authorized by this title.

(b) OPERATING PLAN.—The Administrator shall, within 30 days after the later of—

(1) the date of the enactment of this Act; and

(2) the date of the enactment of the Act making appropriations for the National Aeronautics and Space Administration for fiscal year 1996,

transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an operating plan which identifies which amounts will be transferred pursuant to subsection (a).

(c) LIMITATION ON OBLIGATION AND EXPENDITURE.—None of the funds authorized by subsection (a) shall be available for obligation or expenditure until—

(1) the National Academy of Sciences has conducted a comprehensive review of the Mission to Planet Earth program as part of its study of the United States Global Change Research Program;

(2) the Administrator has reported to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for implementing the study's recommendations and a formal request for all or part of such funds; and

(3) 90 legislative days have passed after the report is transmitted under paragraph (2).

SEC. 217. LIMITED AVAILABILITY.

Nothing in this title shall interfere with the rights of any parties under contracts. Nothing in this title shall preclude the Consortium for International Earth Science Information Network from receiving a contract awarded following a full and open competition.

CHAPTER 2—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 221. FINDINGS.

The Congress finds that—

(1) the restructuring of the National Aeronautics and Space Administration is essential to accomplishing the space missions of the United States while simultaneously balancing the Federal budget;

(2) to restructure the National Aeronautics and Space Administration rapidly without reducing mission content and safety requires objective financial judgment;

(3) no effort has been undertaken by the National Aeronautics and Space Administration to perform a formal economic review of its missions and the Federal assets that support them;

(4) therefore it is premature and unwarranted to attempt closing any National Aeronautics and Space Administration field center until an asset-based review of United States space missions and capabilities to support them is performed; and

(5) cost savings from the closing of National Aeronautics and Space Administration field centers are speculative and potentially injurious to mission goals, unless derived from an asset-based analysis.

SEC. 222. ASSET-BASED REVIEW.

(a) REQUEST FOR PROPOSALS.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall publish in the Commerce Business Daily a request for proposals to perform a National Aeronautics and Space Administration asset-based review.

(b) QUALIFIED PROPOSALS.—Qualified proposals to perform the asset-based review under this section shall be from United States persons whose primary business is corporate financial strategy, investment banking, accounting, or asset management. All proposals shall, at a minimum, propose to review, for each capital asset owned by the National Aeronautics and Space Administration—

(1) its primary function or purpose in relationship to a program, mission, or activity of the National Aeronautics and Space Administration;

(2) the existence of other capital assets which duplicate or overlap with such function or purpose;

(3) the Federal and non-Federal users thereof; and

(4) its necessity to carry out a program, mission, or activity of the National Aeronautics and Space Administration.

(c) REPORT.—The contractor selected to perform the asset-based review under this section shall complete such review and transmit to the Administrator and the Congress, no later than July 31, 1996, a report containing, at a minimum—

(1) for each National Aeronautics and Space Administration field center facility—

(A) a list of capital assets that should be permanently retired or disposed of;

(B) a list of capital assets that may be transferred to non-Federal institutions and corporations, if the transfer of such asset is cost effective; and

(C) a list of capital assets essential to the conduct of National Aeronautics and Space Administration programs, missions, or activities, and a justification for retaining the asset;

(2) for each National Aeronautics and Space Administration program element—

(A) a list of capital assets essential to the conduct of the program element; and

(B) a plan for achieving the most cost-effective consolidation and efficient use of necessary capital assets to support such program element, including the use of non-Federal assets where appropriate; and

(3) for each National Aeronautics and Space Administration capital asset—

(A) the total annual cost of maintaining and operating such capital asset, including Federal employee and contractor costs;

(B) the depreciated cost, replacement cost, and salvage value; and

(C) the most cost-effective strategy for maintaining, replacing, upgrading, or disposing of the capital asset, as appropriate.

(d) IMPLEMENTATION.—The Administrator shall consider the results of the asset-based review conducted under this section, and based on the Administrator's recommendations, the President shall propose to Congress legislation required to implement those recommendations no later than September 30, 1996.

(e) CLOSING OF FIELD CENTERS.—The Administrator shall not close any National Aeronautics and Space Administration field center until after the asset-based review report is transmitted under subsection (c), and may only close field centers that would become obsolete as a result of the implementation of the Administrator's recommendations, and may do so only after enactment of legislation implementing those recommendations.

CHAPTER 3—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 231. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 211(a), 212(a), and 213 (1) and (2), and funds appropriated for research operations support under section 213(4), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) LIMITATION.—None of the funds pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 232. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under chapter 1 may remain available without fiscal year limitation.

SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized under any paragraph of section 211(b), 212(b), or 213(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated under sections 211(b), 212(b) and 213(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 211(b), 212(b), or 213(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 234. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program by October 1; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of

the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1996 and the date of enactment of this Act, the Administrator shall submit a report to Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not authorized under chapter 1 of this subtitle, or which are in excess of amounts authorized for the relevant program, project, or activity under this title; and

(2) the portion of such appropriations which are authorized under this title.

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of the report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this title, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1996 not authorized under this title until 30 days have passed after the close of the public comment period contained in the notice required in subsection (b).

SEC. 236. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 212 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 237. LIMITATION ON TRANSFERS TO RUSSIA.

(a) LIMITATION.—No funds authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 may be paid or otherwise transferred to Russia unless—

(1) the payment or transfer is authorized by this title;

(2) the payment or transfer is made in exchange for goods or services that have been provided to the National Aeronautics and Space Administration in accordance with a written agreement between the National Aeronautics and Space Administration and Russia;

(3) the Government of the Russian Federation agrees to provide a monthly report to the National Aeronautics and Space Administration during the term of such written agreement, that fully accounts for the disposition of the funds paid or transferred, including information with respect to the preceding month on—

(A) the amount of the funds received, and the date of receipt;

(B) the amount of the funds converted from United States currency, the currency into which the funds have been converted, and the date and rate of conversion;

(C) the amount of non-United States currency, and of United States currency, that is disbursed to any contractor or subcontractor, the identity of such contractor or subcontractor, and the date of disbursement; and

(D) the balance of the funds not disbursed as of the date of the report;

(4) Russia has provided all monthly reports with respect to which an agreement was made pursuant to paragraph (3); and

(5) the President, before such payment or transfer and annually upon submission of the President's budget request for fiscal years after fiscal year 1996, has certified to the Congress that—

(A) the presence of any troops of the Russian Federation or the Commonwealth of Independent States; and

(B) any action by the Russian Federation or the Commonwealth of Independent States, in Estonia, Latvia, Lithuania, or any other independent state of the former Soviet Union do not violate the sovereignty of those independent states.

(b) DEFINITION.—For purposes of this section, the term "Russia" means the Government of the Russian Federation, the Russian Space Agency, or any agency or instrumentality of the Government of the Russian Federation or the Russian Space Agency.

Subtitle C—Miscellaneous Provisions

SEC. 241. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

and

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting "reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and;

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by inserting "from Earth" after "and any payload" in paragraph (3);

(B) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(C) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit, from exo-atmospheric flight, or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space or exo-atmospheric flight to Earth, substantially intact."; and

(D) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (B) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site"; and

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(B) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(C) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(D) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(E) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(F) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(D) by striking ", Space, and Technology" in subsection (d)(1);

(E) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(F) by inserting "or reentry site or a reentry" after "launch site" in subsection (e);

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site or reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,";

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

(iii) by inserting "reentry," after "launch," in paragraph (2);

(iv) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

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

"(3) any amateur and similar small rocket activities, as defined by the Secretary by regulation.";

(16) in section 70119, by inserting the following after paragraph (2):

"There are authorized to be appropriated to the Secretary of Transportation $6,000,000 to carry out this chapter for fiscal year 1996. None of the funds authorized by this section may be expended for policy development or analysis activities not directly related to the Secretary's regulatory responsibilities under this chapter.".

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

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

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by striking "and" at the end of subsection (b)(2)(B);

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(G) by inserting ", or the requirement to obtain a license," after "waive a requirement" in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;".

(4) Section 70103(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting "AND STATE SPONSORED SPACEPORTS" after "AND REENTRIES"; and

(B) in paragraph (1), by inserting "and State sponsored spaceports" after "private sector".

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.".

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(B) by striking "actual costs" in subsection (b)(1) and inserting in lieu thereof "additive costs only"; and

(C) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.".

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1)A"; and

(C) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a".

SEC. 242. OFFICE OF AIR AND SPACE COMMERCIALIZATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Air and Space Commercialization, $457,000 for fiscal year 1996.

SEC. 243. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $5,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 244. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and

Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (e) and redesignating subsections (f) through (h) as subsections (e) through (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

(c) DISCLOSURE OF TECHNICAL DATA.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting "or (c)" after "subsection (b)"; and

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

"(c)(1) The Administration may delay for a period not to exceed 5 years the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and the private sector.

"(2) Within 1 year after the date of the enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

"(3) Regulations issued pursuant to paragraph (2) shall include—

"(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

"(B) a requirement that a determination described in subparagraph (A) that particular data is technical data shall be reported to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(C) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

"(D) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

"(4) Along with the initial publication of proposed regulations under paragraph (2), the Administrator shall include a list of those experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration that may result in products or processes of significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base. Such list shall be updated biannually.

"(5) For purposes of this subsection, the term 'technical data means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.".

SEC. 245 PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Space Access and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration, and for the evaluation of such concepts by the National Aeronautics and Space Administration's Advisory Council against mission requirements.

(3) REQUIREMENT.—At least 1 percent of amounts authorized to be appropriated under section 212(a)(4) shall be used for innovative technology procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

(4) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from outside the National Aeronautics and Space Administration with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(5) SUNSET.—This subsection shall cease to be effective 10 years after the date of its enactment.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Administration, into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially available space hardware, technology, or service exists and that no commercial method of procurement is available.

SEC. 246. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Administrator has certified to the Congress that the Administrator reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 247. PURCHASE OF SPACE SCIENCE DATA.

(a) IN GENERAL.—To the maximum extent possible, the National Aeronautics and Space Administration shall purchase from the private sector space science data. Examples of such data include scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(b) COMPETITIVE BIDDING.—(1) Contracts for the purchase of space data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid of fulfillment of the contract, shall not be required of bidders.

(3) Conformance with military specifications (Milspec) or National Aeronautics and Space Administration specifications systems with respect to the design, construction, or operation of equipment used in obtaining space science data under contracts entered into under this section shall not be a requirement for a commercial provider bidding to provide such services.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

SEC. 248. REPORT OF MISSION TO PLANET EARTH.

(a) REQUIREMENT.—The Administrator shall, within 6 months after the date of the enactment of this Act, transmit to the Congress a report on Mission to Planet Earth.

(b) CONTENTS.—The plan required by subsection (a) shall include—

(1) an analysis of Earth observation systems of other countries and the ways in which the United States could benefit from such systems, including by eliminating duplication of effort;

(2) an analysis of how the Department of Defense's airborne and space sensor programs could be used in Mission to Planet Earth;

(3) a plan for infusing advanced technology into the Mission to Planet Earth program, including milestones and an identification of available resources;

(4) a plan to solicit proposals from the private sector on how to innovatively accomplish the most critical research on global climate change;

(5) an integrated plan for research in the Scientific Research and Mission to Planet Earth enterprises of the National Aeronautics and Space Administration;

(6) a plan for developing metrics and milestones to quantify the performance of work on Mission to Planet Earth; and

(7) an analysis of how the United States Government can—

(A) most effectively utilize space-based and airborne Earth remote sensing data, services, distribution, and applications provided by the United States private sector to meet

Government goals for Mission to Planet Earth; and

(B) evaluate and foster commercial data sources, commercial archiving services, commercial applications, and commercial distribution of Mission to Planet Earth data.

SEC. 249. SHUTTLE PRIVATIZATION

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program.

(b) REQUEST FOR PROPOSALS.—Within 30 days after the date of the enactment of this Act, the Administrator shall publish in the Commerce Business Daily a request for proposals to achieve a single prime contract for the space shuttle program. The request for proposals shall include—

(1) a timetable and milestones for selecting a single prime contractor not later than September 30, 1996;

(2) criteria for selection of the single prime contractor;

(3) the annual target cost to be achieved by the single prime contractor;

(4) proposed terms and conditions of the single prime contract, including fee and incentives for achieving the target cost, and for savings below the target cost; and

(5) a requirement that each proposal be accompanied by a plan by the proposer to privatize the space shuttle program.

(c) PRIVATIZATION PLANS.—The Administrator shall forward all privatization plans received pursuant to subsection (b)(5) to the Congress not later than 30 days after the deadline for submitting proposals under subsection (b).

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized by this title shall be used to plan or prepare for Federal Government, or federally contracted, operation of the Space Shuttle beyond the year 2012, nor for studying, designing, or developing upgrades to the Shuttle whose sole purpose is to extend the operational life of the Space Shuttle system beyond 2012. Nothing in this title shall preclude the Federal, or federally contracted, operation of the Space Shuttle through the year 2012, or the privatized operation of the Space Shuttle after the year 2012.

SEC. 250. AERONAUTICAL RESEARCH AND TECHNOLOGY FACILITIES.

Notwithstanding any other provision of law, no funds may be obligated for fiscal year 1996 for Aeronautical Research and Technology programs of the National Aeronautics and Space Administration in excess of amounts authorized by this title, except to the extent that the Administrator receives from non-Federal sources full reimbursement of such excess amounts through payment of costs associated with research at the aeronautical research and technology facilities of the National Aeronautics and Space Administration.

SEC. 251. LAUNCH VOUCHER DEMONSTRATION PROGRAM AMENDMENTS.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 252. PRIVATIZATION OF MICROGRAVITY PARABOLIC FLIGHT OPERATIONS.

(a) FINDING.—The Congress finds that no national security or mission critical justification exists for the National Aeronautics and Space Administration to maintain its own fleet of aircraft to provide a short duration microgravity environment via parabolic flight.

(b) PRIVATIZATION OF FLIGHT OPERATIONS.—(1) The Administrator shall privatize all parabolic flight aircraft operations conducted by or for the National Aeronautics and Space Administration in support of microgravity research, astronaut training, and other functions, through issuance of one or more long-term, renewable, block purchase contracts for the performance of such operations by United States private sectors providers.

(2) Within 30 days after the date of the enactment of this Act, the Administrator shall issue a request for proposals to provide services as described in paragraph (1). The Administrator shall coordinate the process of review of such proposals, and shall oversee the transfer of such operations to the private sector.

(3) Within 6 months after the issuance of a request for proposals under paragraph (2), the Administrator shall award one or more contracts for microgravity parabolic flight services, and shall cease all National Aeronautics and Space Administration-operated parabolic aircraft flights, and shall thereafter procure all microgravity parabolic flight services from private sector providers. National Aeronautics and Space Administration experimenters, and National Aeronautics and Space Administration-funded experimenters, who would otherwise use National Aeronautics and Space Administration-owned or operated microgravity parabolic flight aircraft, shall be issued vouchers for the procurement of microgravity parabolic flight services from the private sector.

SEC. 253. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for awards of financial assistance made by the National Aeronautics and Space Administration after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 254. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 255. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 256. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting in lieu thereof "transonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting in lieu thereof "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting in lieu thereof "transonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting in lieu thereof "facility".

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MS. DUNN OF WASHINGTON

Ms. DUNN of Washington. 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 Ms. DUNN: Page 29, line 18, insert ", of which at least $2,000,000 is reserved for research and early detection systems for breast and ovarian cancer and other women's health issues" after "$293,200,000".

Ms. DUNN of Washington. Mr. Chairman, my amendment will set aside $2 million out of the $293 million authorized for life and microgravity sciences and applications in this bill for research and for early detection systems for breast and ovarian cancer and other women's issues.

Mr. Chairman, because of the unique microgravity environment space provides for research, new and effective approaches to diagnosing and treating breast and ovarian cancer tumors are being investigated in space labs in ways not possible on Earth. The low gravity of space allows cancer cells, actual human cancer cells, to be grown in a 3-dimensional form replicating those to be found in the human body. Developing technology to help eradicate breast cancer is not a new direction for NASA, but one that needs to be spotlighted as a continuing basis.

For example, technology that NASA has developed for the Hubbell space telescope is being applied at this time to

digital mammography techniques that the National Cancer Institute hopes will lead to better treatments of breast cancer through even earlier detection. Right now, NASA and the National Cancer Institute have identified two technologies that hold promise for direct digital mammography with high resolution and a wide field of view that is necessary for early detection. They are now in the process of testing these diagnostic systems.

These advanced sensors and signal processors could boost the resolution of a mammogram and allow physicians to detect cancer soon after its onset.

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

Ms. DUNN of Washington. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, we are prepared to accept this amendment. The amendment reserves $2 million of the life and microgravity science budget program specifically for research on the development of early detection systems for breast and ovarian cancers and other women's health issues. Since it is my understanding that NASA has been working toward the aims of the gentlewoman's amendment, and since this reservation of funds would not adversely impact other planned life sciences research by NASA, I would accept the amendment of my colleague, the gentlewoman from Washington, and commend it to my colleagues.

In fact, NASA and the National Institutes of Health have been engaged under 18 separate cooperative research agreements in a variety of fields. Our bill fully funds the $4.2 million already planned for cancer-related research under these NASA–NIH agreements. NASA has developed, using the Hubbell space telescope technologies, a revolutionary new detection system for the early identification of breast cancer. The system uses charged coupled devices developed by NASA for converting light from faint, distant stars into digital imagery. The same sensitive imaging technology is being used to conduct nonsurgical biopsies on women who may or may not have breast cancer, without leaving a scar. This is another example of how spinoffs from the space program are applied to solve very real problems on Earth, and is one of the reasons why the taxpayers' investment in the space program pays dividends, not only in terms of finances, but also in terms of alleviating human suffering and detecting diseases early enough so they can be cured.

Ms. DUNN of Washington. Reclaiming my time, Mr. Chairman, I thank the gentleman. On behalf of the one in eight women who will be diagnosed with breast cancer this year, and the 46,000 women who die every year from this disease, and on behalf of those women who are diagnosed with ovarian cancer, who suffer from osteoporosis and other women's health diseases, I thank the gentleman for his acceptance of my amendment, and ask my colleagues to support this amendment.

Mr. BROWN of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise for the purpose of adding my support for the gentlewoman's proposal. I think it is meritorious and deserves the unanimous support of the House.

Mr. Chairman, if I may indulge very briefly under my time on a slightly different subject, my distinguished colleague on the other side, the gentleman from Pennsylvania [Mr. WALKER], mentioned my comments regarding cutting any agency by 33 percent, and he felt this represented some inconsistency on my part in discussing the 33-percent reductions in this bill. There are some slight differences here in that I was stating that a department could reduce its budget, and I was really being guided by the example of NASA. I know the gentleman will be familiar with this.

NASA began in 1991 to reduce its budget, and has succeeded in making the kind of a budget reduction that we are talking about here, roughly one-third over the next 5 years. it is being asked to take even more than that. The point here is that this did not come out of the muscle of research and development. A good part of that came by reducing the overhead of the agency here in Washington, making some other changes, including the kind urged on the Republican side to privatize or to contract for services, and under this combination of circumstances, namely, reducing the waste, fraud and abuse, and corporate overhead at the headquarters, and restructuring programs to put more in the private sector, you can make these reductions. Unfortunately, those are not the kind of reductions called for in this bill. As a consequence, I still feel that they are extreme.

I did not use that in the sense of implying that anybody is an extremist who supports extreme cuts in the budget. I am just trying to point out the factuality of the situation. These cuts are larger, they impact R&D more, and they fall outside the scope of my own remark about how much budget cutting you could do if you include all the factors involved.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington, [Ms. DUNN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 79, after line 16, insert the following new section:

SEC. 257. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND TO FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator whenever feasible, shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

Page 3, after the item in the table of contents relating to section 256, insert the following:

Sec. 257. Use of abandoned and underutilized building, grounds, and facilities.

Mr. TRAFICANT (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 Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment deals with the fact that we provide for an opportunity, whenever feasible, that the administrator shall select abandoned facilities, underutilized buildings and grounds in depressed communities that can be converted to NASA facilities at a reasonable cost. Under the amendment, the term "depressed community" means both rural and/or urban communities.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are prepared to accept the gentleman's amendment, with the modification that he had just described, by stating that the administrator, whenever feasible, shall select the abandoned and underutilized buildings. I believe the modified amendment makes a significant contribution to this bill, and I am glad that this side is able to work out the problems and to support his amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, in the case of the amendments of the gentleman from Ohio [Mr. TRAFICANT], I follow one general rule. If the gentleman can successfully persuade the Republicans to accept them, they must be good amendments, and I therefore go along with this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 31, line 13, strike "$826,900,000" and insert in lieu thereof "$860,300,000"

Page 31, strike line 18 through line 22, and insert in lieu thereof the following:

(C) $163,400,000 are authorized for Advanced Subsonic Technology;

□ 1330

Mr. SCOTT. Mr. Chairman, I am delighted to speak while everyone is in a cooperative mood.

Mr. Chairman, I appreciate the opportunity to offer this amendment to restore $33.4 million in fund cuts from NASA's advanced subsonic technology request, which is one of the main components of NASA's aeronautics activity. Although I acknowledge and support the need to cut government spending where appropriate in order to meet our budget responsibilities, such a cut to NASA's aeronautics program is extremely counterproductive to our shared goals of creating a stronger economy and a stronger America.

Mr. Chairman, the aeronautics industry is responsible for this country's greatest positive balance of trade, $30 billion, and without the research and support of NASA the U.S. aeronautics research would not be competitive in the global marketplace. It was, in fact, the purpose for which Congress created NASA in the first place.

Mr. Chairman, it is important to remember that Congress created NASA's predecessor, the National Advisory Committee on Aeronautics, the NACA, for the purpose of regaining America's competitiveness in aviation at a time of European dominance. Despite the early lead the country enjoyed as a result of the Wright Brothers' flight in 1903, by 1917 the Europeans had become the major force in aviation.

NACA established NASA Langley in Hampton, VA, as a research center to provide the United States with the competitive edge it had lost to the Europeans by providing long-term research and some of the first successful public-private partnerships that helped the United States to regain its preeminence in aeronautics. Now, at a time when the Europeans are in high gear supporting research and development of the Airbus, we are poised to shoot ourselves in the foot again by cutting the very program that kept the United States aeronautics program competitive. We are on a fast track to the back seat status we suffered in 1917.

Mr. Chairman, this amendment, while not restoring all of the funds cut in NASA's very modest request, will enable these programs to continue at a responsible level, so that we can effectively continue our long-term research in fuel economy, in increased safety, reduced sonic boom, improved design, and reduced environmental impacts. Much of this research is considered high-risk, high-reward research, the very kind of research that private companies who have to be concerned about their quarterly profits are least likely to invest in until the research looks promising on a short-term basis. Considering the state of the national economy, we can ill-afford to reduce earned investment in long-term research in the aeronautics industry. NASA aeronautics works and is deserving for our continued support and attention.

Mr. Chairman, the House appropriations subcommittee, the Senate appropriations and authorizing committees have all fully funded this program. The committee bill is the only one to cut the advanced subsonic program by $34.4 million. We should not contribute to the loss of U.S. preeminence in aeronautics. I urge the Members of both sides of the aisle to continue to support aeronautics and this country's economy by supporting this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, regretfully, the gentleman from Virginia [Mr. SCOTT] has fallen under the sway of what I call Washington math. He is claiming that this bill cuts the advanced subsonics program by an amount of money. It does not. This bill increases this program by 6 percent. The gentleman from Virginia wants to increase it by more. That is his prerogative. However, under the discretionary spending cap that was passed in 1993 by the Clinton budget, whenever we increase a discretionary spending account, we are supposed to reduce other discretionary spending accounts, and this amendment does not do that. It is just a plusing up of the advanced subsonic program without an offset anywhere else in NASA.

Now, apparently the amendment of the gentleman from Virginia [Mr. SCOTT] wants to pump that whole issue of what to cut off to the NASA Administrator. What our committee has attempted to do is to run NASA on as tight a budget as possible. We are sick and tired of cost overruns at NASA. All of the accounts that we have put in this bill are under the new faster, better, cheaper NASA, and there really is not much play around for the Administrator to offset these other programs without underfunding them, and that is going to require stretch-outs and cost overruns in these other programs in the long run.

The gentleman from Virginia, if his amendment were to be responsible, should have identified where the offsets were, rather than leaving that decision being made to the executive branch. The fact of the matter remains that this bill increases the advanced subsonic program by 6 percent. It has been the determination of the Committee on Science that that is enough. I would hope that the House would accept the committee position and reject the amendment of the gentleman from Virginia for the reasons that I have stated.

Mr. BROWN of California. Mr. Chairman, I rise in support of the amendment of the gentleman from Virginia.

Mr. Chairman, I feel very strongly about the importance of this amendment for a number of reasons which I will try to categorize. For one thing, it reflects a primary opportunity to discuss really whether we think that money spent to encourage and aid industry in their work is corporate welfare. I think we all know that over the past decade or so, the threat to the American aerospace industry's once virtual monopoly of long-distance air carriers comes from places like France where the European Airbus received something like $2 billion a year in outright subsidies from their government, and in other countries of the world, including potentially our Asian competitors where they do not hesitate to not only direct the direction of research and development in air transportation as other things, but to fund it quite handsomely.

Now, what the gentleman from Virginia [Mr. SCOTT] is proposing is a modest increase in the amount contained in this account for aircraft research, subsonic research, not up to the level of the President's request, but certainly more than is contained in this bill, even though this bill has what is essentially a cost-of-living increase, as the gentleman mentioned, about a 6-percent increase over 1995.

Mr. Chairman, what is happening is that the international competition in this field is increasing. If we are to walk away from that and say to France and to Japan and to other countries, you go ahead and continue to subsidize and with each additional $1 billion, you can take an additional x percent of the global market and we are just going to walk away from that and let you have it. That is essentially what we are saying.

Now, is that what the experts in this country have suggested? I am going to just quote from the findings of the National Research Council which has reviewed this situation recently, and it says as follows: "NASA should emphasize the development of advanced aeronautical technology in the following order: Advanced subsonic aircraft." That is the first priority. That is what this amendment is directed at. Then, "high-speed supersonic aircraft. Second NASA should work with aircraft manufacturers, the airline industry, and the FAA to bring about major improvements in the utility and safety of the global air traffic management system."

Another part of the language in this bill, which the gentleman's amendment would strike, prohibits NASA from continuing to cooperate with the FAA on air traffic management. That in itself is justification for the gentleman's

amendment. It has nothing to do with the dollar amount.

Again, quoting from the National Research Council: "The magnitude of NASA's civil aeronautics budget should be increased."

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

Mr. BROWN of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, if all of this is so important, how come you could not identify where to offset this increase in other NASA accounts? The amendment is silent on that.

Mr. BROWN of California. Mr. Chairman, the amendment is deliberately silent on this because we think that the caps imposed upon the subcommittee by the chairman have no basis in law and certainly no merit. The budget language has nothing to do with it, so there is no need for an offset.

Mr. SENSENBRENNER. If the gentleman will yield further, maybe that is the difference between a Congress that ran up a $5 trillion debt and a Congress that wants to balance the budget.

Mr. BROWN of California. Well, Mr. Chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] has already acknowledged that it was under the Republicans that the budget got out of balance.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, the Republicans have not controlled this House for 40 years and Congress has the power of the purse, unless someone changed the Constitution when we were not looking.

Mr. BROWN of California. Well, Mr. Chairman, the response to that, the rebuttal, is that the Republican President could have vetoed the Democratic Congress on these bills if he wished to, and he chose not to.

Mr. SENSENBRENNER. Will the gentleman yield further?

Mr. BROWN of California. Absolutely.

Mr. SENSENBRENNER. As a matter of fact, the Republican President did veto spending bills and got overridden by Congress.

Mr. BROWN of California. Including a lot of Republicans who obviously must have voted to override them.

Now, this detracts a little from the point that we are trying to make. In this amendment, we have a confrontation with the philosophy that is involved in most of these cuts, namely that they are corporate welfare.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, just for the purpose of making a adequate summary, I would say that this is a confrontation of ideology. It is also a matter which threatens the economic future of this country, because the export of aircraft, transcontinental airplanes, represents the largest or the next-to-the-largest favorable-balance-of-trade item in the American economy. Do we want to continue to have that eroded under the pious hope that the private aircraft companies in this country can make up for those billions of dollars in subsidies that are coming from the governments of these other countries, or do we want to do something recommended by the industry, recommended by the scientific community, recommended by anyone who has any expertise in this area, that we do our best to remain competitive in the global economy? This amendment would help us to do that.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is an interesting amendment, and the gentleman from California [Mr. BROWN] has defined it, I think, well. He said that the idea of putting caps on spending has no merit, and that what they are arguing is that there is absolutely no merit to the idea of capping budgets and thereby to try to reduce spending.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman has misstated my position. The gentleman from Pennsylvania [Mr. WALKER] knows that I voted for a balanced budget amendment that balances the budget in 7 years and contains all of the discipline necessary to do that. The gentleman did not like that particular budget, so now he is accusing me of not supporting caps. I think that is unjust.

Mr. WALKER. Mr. Chairman, reclaiming my time, the gentleman voted for a balanced budget, but he has steadily come to the floor and refused to do anything to enforce the balanced budget that the House actually passed. The gentleman voted for a balanced budget that did not pass. We voted for a balanced budget that did pass.

What you have to do in order to bring about a balanced budget is not just take credit for having passed this wonderful vote that you can go back home and tell the people, I voted for a balanced budget. You have to actually enforce it. You have to actually do something to cut the spending to make the balanced budget work.

That is what caps are all about. Caps are all about doing the enforcement necessary to actually balance the budget. The gentleman chafes under that .

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

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

Mr. SENSENBRENNER. Mr. Chairman, I seem to recall in the 1993 budget agreement which was passed by a single party in Congress and signed by President Clinton, there was a discretionary spending cap which meant that if one account at any discretionary spending area was increased, there had to be a dollar-for-dollar offset in other accounts. Now, this amendment that has been proposed by the gentleman from Virginia [Mr. SCOTT] does not even pass the test that was imposed by President Clinton 2 years ago, because there is no offset there.

□ 1345

Mr. WALKER. Sure. The point is that what they want to do is they just want to go on spending as though spending was not a problem; that you can have balanced budgets but, oh, by the way, spend for everything imaginable.

I have been watching some of the things on television where other committees are having their deliberations, and guess what? Every ranking member talks about how we ought not to have any caps on their spending. They have got a very important area, does not matter what it is, just keep spending the money, so we come to the floor here and we hear about spending the money.

This is a particularly interesting one that the gentleman from Virginia has brought forward, because the fact is that in high speed research where you are doing the actual work toward developing the next generation of aircraft, we increase the budget. We increase the budget by as much as the President wanted to increase the budget. So we are doing the leading edge research, but what the gentleman from Virginia is proposing is that we ought to do work in subsonic research.

Just so we get the terminology so people can understand it, subsonic research is the planes that we already fly. All these planes fly at speeds below the speed of sound. So it is the planes that we already know how to build and know how to fly, and they want to increase the research dollars in that area.

What we are suggesting is that maybe industry could help us do the research in those areas where they already are building the airplanes. There are multi-billion-dollar Fortune 500 companies that are involved in doing this work. We are suggesting that maybe they ought to share in some of that research, while the Federal Government picks up the tab, an increasing tab, if you will, for those things in the high speed research areas.

It seems to me that that makes some sense. If you are going to balance the budget, let us have some shared resources. Let us have the Federal Government do the work of actually doing the fundamental work that business and industry probably cannot pick up because there is no market share in that. But where there is a market share, maybe we can have a shared program.

We are not suggesting wiping out the money for subsonic research. All we are doing is suggesting that some of the money could be cut back and the industry could come in and share part of the burden. Good heavens, that does not seem like an extreme or radical notion.

These are big companies. They are paying big dividends. They have the ability to do some of these kinds of things, particularly if the gentleman from California is correct that that is where the increase in the market is going to be for the future. Any good businessman I know wants to be a part of increasing the market for the future. Good heavens, what we are proposing here is giving them their opportunity to do it their own way, to put some of their own resources in it to make certain that we are driven in the direction that allows them to exploit that market.

The Democrats who simply believe that Government always is the right solution to everything cannot accept the fact that these kinds of partnerships are good things for the country. So what we have here is an amendment that suggests increasing the amount of money that goes to this program at the detriment to virtually everything else in the NASA budget, and in the end the real drive here is to spend infinitely more money overall for NASA. Defeat the amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. BROWN], the distinguished ranking member.

Mr. BROWN of California. Mr. Chairman, the Members on the other side have made some interesting statements which I think deserve to be responded to. This last dialogue, for example, which indicates that there has been increased funding for supersonic research and development and that is justified, apparently that is good research or whatever they choose to dignify it with as a name in order to get it in the budget. But the subsonic research, which is essential to our competitive posture in the world, that is bad science or corporate welfare, whichever way they choose to define it, and they use both terms.

The fact is that supersonic air transport has been conventional for the last generation. The Concorde is a supersonic transport, and it has been flying for a generation. The United States had a competing supersonic transport and decided not to proceed with it because based upon economic analysis, it would go bankrupt. We were somewhat more subjected to the rigors of the market because we were not subsidizing our supersonic transport like the French are funding theirs, subsidizing theirs.

So the argument that it is OK to fund the supersonic transport but not the subsonic, when the basic market is in the subsonic and nobody is ever going to make much money off the supersonic, it seems to me to be a little naive. It means we are going to waste one hell of a lot of money on something that the French do not want to waste money on because they have already lost too much money, but we do not want to put money into the area where the French are stealing our market, and it is a big market. That is not common sense. I think that we ought to consider that as we look at this amendment before us.

The argument actually really does get us involved in fantasy land to some degree, and it is also illustrated by the constant referral to the fact that the gentleman from California is some sort of a nut who does not believe in fiscal discipline and cannot enforce caps. The fact is that those nuts who think like I do over in the Senate have already voted the amount of money that we are requesting here. They have set their caps at considerably above the caps——

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, point of order. I believe it is against the rules to refer to proceedings in the other body.

The CHAIRMAN. The gentleman should avoid characterization of Members of the other body.

Mr. BROWN of California. Is the gentleman specifically referring to my use of the term "those nuts in the other body"? I will refrain from using that term.

The CHAIRMAN. The gentleman will refrain.

Mr. BROWN of California. The gentlemen in the other body have already adopted a cap——

Mr. SENSENBRENNER. Point of order, Mr. Chairman. The gentleman cannot do that, either.

The CHAIRMAN. The gentleman will refrain from referring to Members of the other body.

Mr. BROWN of California. Would the Chair instruct me as to how we should refer to the Members of the Senate?

The CHAIRMAN. The gentlemen should not refer to Members of the Senate.

Mr. BROWN of California. That is an almost insurmountable handicap to my argument here.

Mr. Chairman, I would like to point out that in some magical way, the authorization and appropriation bills which we will be called upon to consider in conference already have the amount of money in it. The gentleman from Virginia [Mr. SCOTT] referred to that earlier when he made his presentation. I forget how he got away with it, but he pointed out that that money was there.

The other side is arguing that it is both illegal, immoral, and probably fattening for us to do the same thing. I am a little chagrined to have that kind of a characterization made. If the gentleman would like to explain to me how what we want to do here is immoral and illegal but what is happening on the other side, if I can get away with that term, is perfectly all right, even though it has what we are trying to do in it here.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 281, not voting 12, as follows:

[Roll No. 701]

AYES—139

Abercrombie	Foglietta	Oberstar
Ackerman	Ford	Olver
Baldacci	Frank (MA)	Ortiz
Barcia	Frost	Owens
Bateman	Furse	Pastor
Becerra	Gejdenson	Payne (NJ)
Beilenson	Gephardt	Payne (VA)
Bentsen	Gibbons	Pelosi
Berman	Gonzalez	Peterson (FL)
Bevill	Green	Pickett
Bishop	Hall (OH)	Rahall
Bonior	Harman	Rangel
Borski	Hastings (FL)	Reed
Boucher	Hefner	Richardson
Browder	Hilliard	Rivers
Brown (CA)	Hinchey	Roemer
Brown (FL)	Hoke	Rose
Brown (OH)	Horn	Roybal-Allard
Bryant (TX)	Houghton	Rush
Cardin	Hoyer	Sabo
Clay	Jackson-Lee	Sanders
Clayton	Jefferson	Sawyer
Clyburn	Johnson, E. B.	Schroeder
Coleman	Johnston	Scott
Collins (IL)	Kennedy (MA)	Serrano
Collins (MI)	Kennedy (RI)	Sisisky
Conyers	Kildee	Skaggs
Cramer	Lantos	Spratt
de la Garza	Levin	Stokes
DeFazio	Lewis (GA)	Studds
DeLauro	Lofgren	Thompson
Dellums	Maloney	Thornton
Deutsch	Manton	Towns
Dicks	Markey	Velazquez
Dingell	Martinez	Vento
Dixon	Matsui	Visclosky
Dooley	McDermott	Volkmer
Durbin	McHale	Ward
Edwards	McKinney	Watt (NC)
Engel	Meek	Waxman
Eshoo	Mfume	Wise
Evans	Miller (CA)	Woolsey
Farr	Mink	Wyden
Fattah	Mollohan	Wynn
Fazio	Moran	Yates
Filner	Nadler	
Flake	Neal	

NOES—281

Allard	Bereuter	Burton
Andrews	Bilbray	Buyer
Archer	Bilirakis	Callahan
Armey	Bliley	Calvert
Bachus	Blute	Camp
Baesler	Boehlert	Canady
Baker (CA)	Boehner	Castle
Baker (LA)	Bonilla	Chabot
Ballenger	Bono	Chambliss
Barr	Brewster	Chenoweth
Barrett (NE)	Brownback	Christensen
Barrett (WI)	Bryant (TN)	Chrysler
Bartlett	Bunn	Clement
Barton	Bunning	Clinger
Bass	Burr	Coble

Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Doggett
Doolittle
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
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Chapman
Dickey
Dornan
Fields (LA)
Kennelly
Moakley
Murtha
Tejeda
Torres
Tucker
Waters
Wilson

□ 1414

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Dornan against.

Mrs. SMITH of Washington, Mr. COYNE, and Mr. GILMAN changed their vote from "aye" to "no."

Ms. McKINNEY and Messrs. NADLER, LANTOS, and HOKE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. 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. YOUNG of Alaska: No. 19: Page 79, after line 16, insert the following new section:

SEC. 257. CLARIFICATION OF MAJOR FEDERAL ACTION.

The licensing of a launch vehicle or launch site operator by the Secretary of Transportation and any amendment, extension, or renewal thereof, shall not be considered a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Page 3, in the table of contents for subtitle C of title II, insert the following after the item relating to section 256:

"Sec. 257. Clarification of major Federal action.".

□ 1415

Mr. MILLER of California. Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from Alaska [Mr. YOUNG].

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG] for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I do hope my good friend on the committee will not raise the point of order.

The background for this amendment, the National Environmental Protection Act, requires involvement of Federal agencies when activities constitute a major Federal action. Commercial Space Transportation Act requires the Department of Transportation to license launch vehicles and launch site operators. Department of Transportation, DOT, has determined licensing among constituents, alone constituents, major Federal action. It is acting as middleman in interpretation of NEPA requirements. Little or no Federal funding involved in the manufacturing, and structure and operation of launch sites or launch-like sites.

Problem: DOT's interpretation of NEPA has increased regulatory burden and cost of compliance with NEPA.

If I may continue, the problems are that DOT's interpretation of NEPA has increased regulatory burden and costs of compliance with NEPA. DOT requires extensive paperwork which is duplicative of the NEPA requirements.

I want to stress that. This duplicates what is already put in place by NEPA.

DOT has determined that it is a decisionmaker regarding whether environmental assessment is adequate or more costly. Time and money environmental impact statement is required.

Now I have a solution. This is what my amendment does:

Solution that eliminates DOT as the middleman or the interpreter of NEPA requirements. No NEPA requirements will be waivered.

I want to stress that, my good friend from California. State governments and other Federal agencies will interpret NEPA requirements. The result will be streamlined regulatory process industry, more efficient, better able to compete with international marketplace.

Mr. Chairman, this is a good amendment, and there is really nothing wrong with it. If my colleagues want to discuss the merits of it, let us discuss the merits, but what has happened, we have an agency here that has put itself in a position to interpretation when it is already in place with NEPA, and this is one of the reasons we have such a problem today in being competitive and so much disruption for the general public. It is why should two agencies be involved in something when we waive nothing, when NEPA sets down the requirements, when we have DOT saying this is what they interpret what NEPA interprets? It is an example of overgoverning what we are attempting to do, and in no way does this weaken, nor does it take away, a right of any group, or a right of a State or a committee to participate in the process.

It is a good amendment, Mr. Chairman, and I urge the passage of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. MILLER] insist on his point of order?

Mr. MILLER of California. Mr. Chairman, I press my point of order that this amendment is not germane to the bill being amended and, therefore, violates clause 7 of rule XVI of the House rules, the general rule of germaneness.

As the gentleman has pointed out in his arguments on behalf of his amendment, this is about amending or providing an exemption to the National Environmental Policy Act and not about the facilities of the authorizations under this act or under this title, and, therefore, I believe it to be a nongermane amendment and, therefore, out of order for consideration at this time.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. YOUNG of Alaska. Mr. Chairman, I regret that the gentleman from California [Mr. MILLER] raised the point of order. It may be, in fact, subject to a point of order. But this amendment is an example of what should be done.

No one gave DOT the authority to which they are proving today. By duplicating what NEPA is doing, to slow up the process of issuing a launch site or launch vehicle; now that is an example of, I must say so, of why this Congress has allowed the agencies to run this country and why the people are upset. And if we cannot, in fact, and if the gentleman from Illinois would like to speak to me, I will speak to him, too, if in fact we cannot interpret what is in reality wrong in this Government by this body, then we are not doing our jobs, and I would withdraw the amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE

Ms. JACKSON-LEE. 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 Ms. JACKSON-LEE: Page 32, following line 5, insert the following new paragraph:

(8) For High-Performance Computing and Communications, in addition to amounts authorized by paragraph (5), $35,000,000, of which $22,000,000 shall be available for Information Infrastructure Technology and Applications.

Ms. JACKSON-LEE. Mr. Chairman, I would hope that again we can come to the table on this issue in a bipartisan manner when we talk about children and having them access the superhighway.

Mr. Chairman, my amendment to section 212 of H.R. 2405 raises the authorization of appropriations for NASA's High Performance Computing and Communications Program by $35 million in order to bring the level back to the President's request. Most of this increase is designated for the newest portion of the HPCC Program that supports educational applications of computing and networking, the Information Infrastructure Technology and Applications component, which is referred to as IITA.

IITA funds quality educational tools and curriculum projects in all 50 States. Through this activity NASA has provided "800" number dial-up access to the Internet for 850 teachers in schools across the country. If there is anything that I have heard in my district in Houston, it is in the school system and their fear of being left out of this high technology. This program was designed to assist teachers in discovering how to use the Internet to improve classroom instruction and to provide opportunities for teachers' own professional development.

In addition to assisting teachers in gaining network access, IITA funds a wide variety of educational development and demonstration projects. I would like to highlight a few of these projects to indicate their nature and scope.

At the Antelope Valley, CA, school district, an electronic multimedia student workbook is being designed for physically disabled students that can be read over the Internet using World Wide Web browsers.

At Lincoln Elementary School in Grand Forks, ND, a teacher is working with his students to put information about volcanos on the Internet as part of a larger, multischool project to develop Earth science lessons for the fifth- to eighth-grade levels.

In Texas a project developed by the Johnson Space Center deployed via the Texas Educational Network and used by K–12 teachers all over the State of Texas helps Texas teachers find educational materials on the Internet. This is a widely utilized concept that I think we would be terribly undermining the 21st century education of our children to not provide for it.

Finally, NASA's IITA program provides support to science museums which work with local teachers to develop improved science curriculum products related to a museum's assets and to gain access to instructional materials available via the Internet. In addition, some museums use resources provided by NASA's IITA program to improve the kinds of science information available to museum visitors by incorporating the most recent science data into exhibits and displays. A good example of this is the Houston museum's exhibit using the Comet Shoemaker-Levy 9's collision with Jupiter last year.

It is clear that NASA's IITA program supports many valuable educational programs that benefit students throughout the Nation. The extensive use of the Internet allows many of the newly developed materials to be readily available. We have constantly talked about what is wrong on the Internet; let's talk about what is right on the Internet. What is right on the Internet is that our children are accessing good educational tools involving them in science and preparing our children to be competitive in this global market.

What have been the accusations against the educational system in this United States? It has been that we have been short on math and science. This access to the Internet clearly allows this opportunity to be able to be sophisticated and competitive in this global market.

This week the Committee on Science has joined the Committee on Economic and Educational Opportunities to hold hearings on the impact of technology on education in the 21st century. It is widely accepted that technology can be a powerful tool for overcoming many of the shortcomings underlying the poor performance of America's schools. As we debate this bill today, in one of our hearing rooms students are demonstrating examples of some of the latest computer and network-based instructional materials.

I find it ironic that we would leave them out and not have them included, if you will, while we are listening to them in the Committee on Science hearings. It is important to include teachers and students. It is important to support the IITA program. This amendment does that. This amendment cries out for bipartisan support, recognizing the importance of technology and recognizing, to put it in, I guess, a child's words, "Let us see something good and interact with something good on the Internet."

I would ask that my colleagues support me in this amendment and support our children for the 21st century.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

Mr. Chairman, this is the second budget-busting amendment that we have heard from the other side. It even violates the principles of offsets contained in the 1993 Clinton budget bill, $35 million more for an earmarked program that the gentlewoman from Texas [Ms. JACKSON-LEE] wants to spend it on with no offset whatsoever, either in NASA or outside of NASA. This means that the Administrator of NASA is going to have to figure out where to find this $35 million. The author of the amendment does not come up and say where to find the $35 million. She punts that whole issue over to the administration, and that is an abdication of congressional responsibility.

Now, is the Administrator supposed to take this money out of the Johnson Space Flight Center? Is he supposed to take this money out of mission control for bringing the space station up into orbit? That is not specific, and an Administrator of NASA would have to do that.

I think that the amount of money that is in this bill which was agreed to by the Committee on Appropriations and passed by the House of Representatives is an adequate amount for this program. We should not have an extra $35 million increase for NASA without saying where it is going to come out of, and I would urge that the committee reject this amendment.

□ 1430

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think there is any question that it is important that children have access to information, and there is no question about whether

they can get it through the Internet or some other forms. I think what is important is to find out that they have the ability to get on-line, and not be afraid of computers.

Mr. Chairman, what they are doing in Wichita, in fact this week I was able to visit a charter school called the Dodge Edison school, where Dr. Larry Reynolds, in control of his budget, has provided computers not only for his students, but computers that can be checked out into their home, where they can tie into the Edison intermail, electronic mail, where they can learn about their ideas, they can communicate with the teachers, they can do their homework, they can look at what is on the schedule. All through the computerized system, they are learning the principles of using a computer that are absolutely necessary for the Internet, but it is not paid for by Federal tax dollars, it is paid for by local tax dollars, where it is a very important issue to them, so they have taken the resources and they have channeled them. I do not think it is necessary for them to take Federal tax dollars.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for his comments. I am glad that he was able to see certainly some very vital activity in his home district. What I would offer to say to the gentleman in countering, and I think these numbers fall within the Senate budget resolution, so we are in keeping with the spirit of our intentions. In many places across the country, and I know the gentleman comes from an area different from my community—an urban area, but many places across the country, including some rural areas, have real difficulty in using local funds for high-technology educational needs.

Obviously, we realize that we must be in partnership. This small effort acts as a partnership to local funds in some school districts and communities that cannot afford these kinds of services, and they would, therefore, eliminate or diminish the opportunity for those children to participate in the Internet information system.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, it is a question of priorities, which I think is what the gentlewoman did say here. Even in our rural areas we have the information network of Kansas, where we have tied together through electronic means the school systems, but it is done, again, without Federal tax dollars. I think what would better secure the future for these children is balancing the budget so they have a strong economy to grow into. That is why I oppose this amendment.

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

Mr. TIAHRT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this helps point out the reason why it is sometimes good to bring these bills to the floor in a comprehensive way. The gentlewoman made her whole argument based upon the fact that we need to have access of children to computers. I think the gentleman and I agree with that. The problem that she pointed out was the access to the Internet and all of these kinds of things, as though this were the only money in the Federal Government was spending in computers.

The fact is we just passed title I of this bill. If we go back to page 7, where the National Science Foundation authorization is, we will find on that page that we are spending $249 million on computer work. That is the place where the Internet was created, was by the National Science Foundation. This is the place where we are funding those kinds of activities, to assure that children are going to have access in the future.

The point is that when we have duplicative programs in government, there are times when we can reduce some because we are willing to fund others. That is exactly what is happening in this bill. We have $249 million being spent in the National Science Foundation in the computer area. The gentlewoman objects to a cut in some of the areas within NASA's budget that do exactly the same kind of work.

I would simply suggest that perhaps this is a place where, when we are trying to balance the budget, that it makes sense to end some duplication and do it the right way. I thank the gentleman for yielding.

Mr. TIAHRT. In closing, Mr. Chairman, I would like to say Dr. Larry Reynolds has done a good job of establishing priorities at Dodge Edison school and he is teaching his children how to use the computer. They are very friendly with it, they are becoming more and more so, as are their parents. That is the biggest obstacle to getting people involved in the system, to overcome fear of computers. It is a matter of priorities. I think balancing the budget is also important. That is why I oppose this amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE]. Again, this is in some sense a repetition of some of the arguments, at least, that we went through in connection with the former amendment to increase funding for aerospace research, subsonic aeronautics research.

The figure to which we seek to increase this is the same amount as the Senate, the other body, has already appropriated. They had no problem with caps in this matter, and I do not see any particular reason why that bugaboo should be used in this situation. It is not a budget buster. There is nothing in the budget resolution that applies to this bill in any way, shape, or form, as the gentleman knows. But they choose to use that kind of language in the hope, apparently, that it will have effect of emphasis in reasserting their particular views with regard to whether a particular item is good science or corporate welfare or something of that sort.

Mr. Chairman, I think we all recognize that the problem of improving the availability of computer resources in education is a matter of considerable importance. It has been indicated that much is being done at the State level already, and that is true. A great deal is being done in California, and the communication companies, the private communication companies, are spending hundreds of millions of dollars to provide access, to provide fiber optics to the classroom, and to provide for other kinds of things.

This money here is not intended to duplicate that. This money is to provide for additional funding for the kind of research that NASA does in terms of improving software and improving the technologies themselves that make computers more effective as an educational tool.

Some of us have been working to try to move into this new era of computers for at least a decade or longer, and there has been considerable success. We are proud of that success. Does that mean that we should now begin to cut the money that we have been investing? It is not the same, incidentally, as the money that NSF is spending, despite the contention that this account has been cut because it does exactly the same thing that NSF is doing.

If Members would check with NSF, they would find that they would deny that they are doing the same thing as NASA is. If they are, I would join in cutting their budget for that purpose. However, this is an extremely important issue. It is one that needs help, financial help, to establish those things that the private sector is not going to do. It would indicate our commitment to the kind of educational goals that every President has set forth for the last 20 years. I think it is a very good amendment.

Mr. Chairman, I rise in support of the amendment from the gentlelady from Texas to increase the authorization for educational applications in the NASA High Performance Computing and Communications Program. In her statement on the amendment, Ms. JACKSON-LEE pointed out the irony in the need to defend a program cut by the Committee on Economic and Educational Opportunities and by the Science Committee, which advances educational technologies, while the committee is simultaneously holding hearings and demonstrations to highlight the ways technology can improve the effectiveness of the Nation's schools.

There is no significant debate about whether the application of the latest information technologies can improve teaching and learning. The main question is how to spur the deployment of the technologies as broadly as possible and integrate them into the curriculum in the most effective ways. No one disputes that we have a long way to go in overcoming the many barriers to achieving the promise of educational technology. Certainly further experimentation is needed to understand what works best and how to replicate best practices on a large scale.

The NASA Information Infrastructure Technology Applications component of the High Performance Computing and Communications Program is specifically targeted at developing and demonstrating computer and network-based instructional tools and in assisting teachers in the use of new technologies. It supports cooperative, cost-shared efforts among schools, universities, industry, and NASA laboratories, with participation by institutions in every State. The expertise which NASA's scientists and engineers bring is particularly valuable in tailoring new information technologies to educational uses.

Unfortunately in the quest to slash Federal programs, the majority has not spared education programs. Technology is certainly not a silver bullet that will instantly transform our schools. But the promise of technology is manifest, as is being effectively demonstrated today by school kids in the Science Committee's hearing room. Greater—not reduced—efforts are warranted to deploy technology more broadly.

Cutting programs that contribute to educational technology development and its effective use will only harm and delay the improvement of K–12 education, putting further off the time when America's schoolchildren may obtain a truly world-class education. I strongly support the amendment to restore funding for NASA's educational technology efforts and urge its passage.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Chairman, I would like to make an inquiry to the gentleman from California [Mr. BROWN], because I think there have been many who have spent long years in this area, but maybe not as long as the gentleman has, having had the opportunity to work closely with the private sector as the Government has tried to be a partner in their efforts.

It is my understanding, even though this is maybe an extended issue on this particular amendment, that usually when the dollars go down in research and development in Government, we find that industry follows suit. Even though we have had some outstanding leadership in the private sector, if we are to make equal across the Nation children's opportunities to access Internet and to apply the science of computerization, the application of such, this program is vital to doing so, and I ask the gentleman for a response.

Mr. BROWN of California. Mr. Chairman, the gentlewoman is absolutely correct. What we are doing in funding this particular program is vital to the further utilization, the development of a market, if you could use that term, for increased communication activities through the schools. Education is considered to be a major market.

However, what I am afraid of is that the opposition to this stems from a feeling that the role of the Federal Government is not to assist education. I went through this in 1981, when President Reagan submitted his first budget, and NSF had some very interesting things in this area being done. They were totally eliminated. The grounds were not that they were not important, but it was not an appropriate role for the Federal Government.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Chairman, I will not take up the full time. I thank the gentleman for yielding to me.

Mr. Chairman, I simply want to conclude by acknowledging to my colleagues that we have a great opportunity as we move toward the 21st century. Let us not leave our children out, our teachers, and our educational system. Let us equalize the access to this very important tool. I would ask for support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 276, not voting 12, as follows:

[Roll No. 702]

AYES—144

Ackerman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skelton
Stenholm
Stokes
Studds
Tanner
Thompson
Thornton
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wyden
Wynn
Yates

NOES—276

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
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
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
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Ehrlich
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Ensign
Everett
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Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
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Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
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McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers

Rohrabacher	Smith (MI)	Tiahrt
Ros-Lehtinen	Smith (NJ)	Torkildsen
Roth	Smith (TX)	Traficant
Roukema	Smith (WA)	Upton
Royce	Solomon	Vucanovich
Salmon	Souder	Waldholtz
Sanford	Spence	Walker
Saxton	Spratt	Walsh
Scarborough	Stark	Wamp
Schaefer	Stearns	Watts (OK)
Schiff	Stockman	Weldon (FL)
Seastrand	Stump	Weldon (PA)
Sensenbrenner	Stupak	Weller
Shadegg	Talent	White
Shaw	Tate	Whitfield
Shays	Tauzin	Wicker
Shuster	Taylor (MS)	Wolf
Sisisky	Taylor (NC)	Young (AK)
Skaggs	Thomas	Young (FL)
Skeen	Thornberry	Zeliff
Slaughter	Thurman	Zimmer

NOT VOTING—12

Dornan	Moakley	Tucker
Fields (LA)	Murtha	Volkmer
Kennelly	Tejeda	Wilson
Leach	Torres	Woolsey

□ 1459

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Dornan against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1500

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 64, line 14, through page 67, line 2, amend subsection (c) to read as follows:

(c) DISCLOSURE OF TECHNICAL DATA.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting "or (c)" after "subsection (b)"; and

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

"(c)(1) The Administrator, on the request of a private sector entity, shall delay for a period of at least one day, but not to exceed 5 years the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and such private sector entity.

"(2) Within 1 year after the date of the enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

"(3) Regulations issued pursuant to paragraph (2) shall include—

"(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

"(B) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

"(C) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

"(4) Along with the initial publication of proposed regulations under paragraph (2), the Administrator shall include a list of those experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration that may result in products or processes of significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base. Such list shall be updated biannually.

"(5) The Administrator shall annually report to the Congress all determinations made under paragraph (1).

"(6) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.".

Mr. TRAFICANT (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 Ohio?

There was no objection.

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

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

Mr. SENSENBRENNER. Mr. Chairman, we are prepared to accept the gentleman's amendment on this side. We feel it makes a constructive addition to the bill.

Mr. TRAFICANT. With that, Mr. Chairman, I ask that the amendment be passed without prejudice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to title II?

Mrs. SEASTRAND. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Pennsylvania [Mr. WALKER].

Mr. Chairman, I would just like to ascertain from the gentleman from Pennsylvania the intention and authorization amount of section 212 of this Omnibus Civilian Science Authorization Act. Is is true that $10 million of H.R. 2405 is authorized for converting commercially inconsistent elements of former Federal space launch facilities for conformance with Federal regulations relating to commercial space transportation?

Mr. WALKER. If the gentlewoman will yield, that is correct.

Mrs. SEASTRAND. Is it also the intention that the purpose of this authorization is to encourage commercialization of space launches, which will lead NASA and private high technology industries to rely on a more affordable and efficient private sector to provide space launching services?

Mr. WALKER. Again, the gentlewoman is correct in her interpretation.

Mrs. SEASTRAND. Last, is it the intention of this authorization to allow those States developing legitimate commercial spaceports to compete for these funds via a bidding process through NASA?

Mr. WALKER. That is the intention of the language. I would certainly feel that that is what NASA will engage in in terms of practices with regard to this.

Mrs. SEASTRAND. Mr. Chairman, I thank the chairman of the committee. I appreciate the time and effort and the intelligent organization that he contributed to this legislation. I wholeheartedly support it.

The CHAIRMAN. Are there any other amendments to title II?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida: Page 74, after line 23, insert the following new subsection:

(e) SAFE OPERATION.—

In reviewing proposals for moving to a single prime contractor the Administrator shall give priority to continued safe operation of space transportation systems.

Mr. WELDON of Florida. Mr. Chairman, my amendment is a very simple amendment. As NASA goes through the procedures of looking into the issue of selecting a single prime contractor for the operation of our Nation's space shuttle, my amendment clarifies that their priority should be making sure that we have consistent safe operation of our space shuttle.

This past August I toured Kennedy Space Center. Then again last week I had the privilege of having the chairman of the Subcommittee on Space and Aeronautics join me at Kennedy Space Center, and talk with the people who put that space shuttle together and make sure that it will fly safely, and talk to the people who are down there at the ground level tightening the bolts, making sure that this system is going to function and function properly so that it can return our astronauts safely back to Earth.

Mr. Chairman, I discovered that there are three things that they consider to be most important in this program, and, that is, safety, safety, safety. They want to make sure that as our space program continues on into the future, that our space shuttle will be safe and will continue to run safely. I feel that my amendment clarifies the

language in this bill to make sure that our space program continues to be the world's leader.

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

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin, the distinguished subcommittee chairman.

Mr. SENSENBRENNER. Mr. Chairman, we are pleased to accept this amendment. I believe that the gentleman from Florida has made an extremely valuable contribution to this bill.

Obviously safety cannot be compromised with the space shuttle, because if we should have another disaster, America is out of manned space exploration for a generation. That is why I believe that mandating the Administrator of NASA to place safety first and going to a single prime contractor, as is proposed by the gentleman from Florida, puts the horse before the cart, and that is really important if we are to have a viable space program for generations to come.

Mr. WELDON of Florida. I thank the gentleman.

Mr. Chairman, I rise in support of the bill before us.

No, this is not a perfect bill. In fact, I have discovered since my election to Congress, that there are few perfect bills. However, the bill before us is a good bill and takes some very important steps that move our country in the right direction.

These are difficult budgetary times. We have already imposed upon our children a national debt of $5 trillion dollars.

It is for our children and their children that we must make prudent decisions about those endeavors we can and cannot afford. Only by doing this can we ensure a brighter future for them.

We must separate those endeavors that we must pursue from those that may be worthy activities but are not critical to our children's future, are too expensive for us to pursue at this time, or should be undertaken by the private sector. This bill does this. This bill makes tough decisions. It sets priorities. It will ensure a brighter future for our Nation.

I would like to take this opportunity to discuss one aspect of this bill—NASA. The NASA provisions are responsible and meet our national requirements. They ensure a vibrant space program with clear direction.

Overall, the bill provides $11.5 billion for NASA programs in 1996. This is $597 million under the administration's request. I am very pleased that this reduction will not impact the space station or space shuttle programs. These two programs are essential to our Nation's continued international leadership in space and they are funded at levels nearly identical to the President's request.

Multiyear funding for the space station was provided in H.R. 1601, which passed the House by voice vote on September 28, 1995. It was funded at the administration's request. Thus, the bill before us does not include funding for the space station, but is fully consistent with H.R. 1601.

The bill before us ensures a sound space shuttle program by fully funding space shuttle operations at the administration's budget request. The President requested $3.231 billion and H.R. 2405 provides $3.178 billion. The entire $53 million reduction from NASA's requested budget comes from completing the closure of the Iuka facility and will have no negative consequences on space shuttle operations.

For mission support, another key component of shuttle operations, H.R. 2405 provides $2.1 billion, this is $108 million below the President's request. The administrator of NASA has said that this savings is achievable because of those who have taken advantage of buyouts offered by the agency. No additional reductions will be required to achieve this budget target.

The bill includes language requested by NASA that enables NASA to explore the possibility of moving portions of the operation of the space shuttle under a single prime contract. As the Vice-Chairman of the Space Subcommittee I will closely monitor NASA's activities in this respect. I will not allow the safety of space shuttle operations to be compromised.

I will make sure that any move to a single prime contract by the Clinton administration does not compromise the integrity of our space shuttle program.

Finally, I am pleased that the bill includes provisions to strengthen commercial space endeavors. The bill expands the Commercial Space Launch Act to include the full range of space transportation activities. H.R. 2405 also takes significant steps in funding the development of the next reusable launch vehicle. These are very important steps in our Nation's future.

The United States once held 100 percent of the world's commercial space launch market. Today, this has slipped to about 30 percent. The provisions in this bill relating to commercial space launches will help us regain a larger share of this expanding market.

I want to thank Chairman WALKER for his leadership in the areas of science, research and development, and space exploration. We must excel in these areas in order to continue pushing the envelop on advanced technology. This bill does this and at the same time cuts out the waste, inefficiencies, and inappropriate uses of scarce Federal dollars.

H.R. 2405 is a targeted, well-focused bill. It ensures a brighter future for our children.

I urge all Members of the Congress to support this bill.

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

Mr. WELDON of Florida. I yield to the distinguished gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I would just like to take this opportunity to congratulate the gentleman from Florida [Mr. WELDON] on the leadership he has been providing on this vital part of America's space effort. The shuttle at this moment is a piece of technology that we depend upon.

The gentleman from Florida [Mr. WELDON] has been making it his job to make sure that America gets the best use out of this technology. He is focusing today on safety but he has provided leadership in a number of areas concerning the shuttle. I would just like to congratulate him and rise in support of his amendment.

Mr. WELDON of Florida. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. WELDON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: Page 76, line 16, strike "30" and insert in lieu thereof "60".

Page 76, line 18, insert "which meet the microgravity flight needs of the National Aeronautics and Space Administration," after "to provide services".

Page 76, line 21, insert "as specified in paragraph (3)" after "to the private sector".

Page 76, line 25, strike ", and" and insert in lieu thereof "to a microgravity flight provider certified by the Federal Aviation Administration, and, except as provided in paragraph (4),".

Page 77, after line 9, insert the following new paragraphs:

(4) The Administrator may, as necessary to ensure the continuity of National Aeronautics and Space Administration operations, continue to operate parabolic aircraft flights for up to 3 months after a contract is awarded under paragraph (3). If the Administrator continues operations pursuant to this paragraph, the Administrator shall concurrently transmit to the Congress an explanation of the reasons for such action.

(5) Six months after the National Aeronautics and Space Administration ceases all parabolic aircraft flights under paragraph (3), the Administrator shall transmit a report to Congress on the effectiveness of privatization under this section.

Mr. HOKE (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 Ohio?

There was no objection.

Mr. HOKE. Mr. Chairman, this amendment is straightforward and I believe that it has been accepted by both sides of the aisle.

My intention with this amendment is not to hamper efforts generally with respect to privatization and downsizing but to ensure that when we do initiate these actions, they are undertaken in a thoughtful, credible, step-by-step manner, and in this particular case do not cripple NASA's ability to continue with its world-class microgravity research.

In short, this amendment guards against any gaps in large microgravity aircraft research by permitting the agency to operate its microgravity support planes for up to 3 months after a viable private contractor has received FAA certification, should such a contractor exist and be awarded a contract. I repeat, this does not allow the administrator to prevent privatization

in any way. Rather, it only serves to guard against gaps in the research.

To my knowledge, no thorough study has yet been conducted which demonstrates a critical need to privatize NASA's microgravity aircraft against NASA's will and better judgment. In fact, both NASA and the Aerospace Safety Advisory Panel, the organization established after the Apollo 1 launchpad fire to review proposals just like the one in the bill, have asked Congress to proceed slowly and deliberately. ASAP further warns that:

under the proposed scenario, the lives of astronauts in training, as well as those of the researchers and air crew on board could be at risk . . . It must be recognized that microgravity flying . . . requires the precise performance of maneuvers close to operational and structural limits. It takes years for a pilot to gain the experience necessary to fly such complex maneuvers. In addition, specially trained and experienced maintenance and inspection teams are required to ensure that the aircraft is safe prior to flight operations. To our knowledge there is no private enterprise conducting operations similar to NASA large aircraft microgravity flight operations anywhere in the world. The costs involved in purchasing and modifying the appropriate aircraft plus the time needed to obtain the required flight operations expertise can be an expensive and herculean undertaking in itself.

Clearly these are strong cautionary words, and therefore, I would prefer to have the privatization happen contingent upon a positive review of its feasibility. Failing that, I believe that some study must be made of how his privatization has progressed. Thus, I am asking that NASA take a review of this several months after privatization has gone into effect.

Privatization where possible is a goal we should all desire, but we need to be sure that it is done in a rational and reasonable way. Because microgravity research is so important not just to scientists, but to our Nation's industrial, biomedical, chemical, and manufacturing sectors, privatization should be done cautiously and with our full understanding of its implications. That is why my amendment asks for a study to be conducted after privatization has begun to review the performance of private contractors offering microgravity aircraft services to NASA.

In the interest of time, I ask for the assistance of the chairman and ranking member of the Science Committee in keeping a close eye on the NASA's privatization efforts and to make correction of NASA policies.

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

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

Mr. SENSENBRENNER. Mr. Chairman, we are pleased to accept this amendment. I commend the gentleman from Ohio [Mr. HOKE] for offering it.

The amendment addresses the concerns of NASA, specifically that it provides the agency with a 3-month overlap of zero G operations by both NASA aircraft as well as aircraft operated by a prime contractor. This will ensure that there will be no hiatus in zero G capability during the transition period, and this means that there will be no impact in the training schedule of the astronauts.

Privatization of this program by NASA means that now private corporations will have the opportunity to compete for a contract to provide this service to the agency. There are at this time companies that are prepared to enter competition and who are investing considerable amounts of time and capital to lay the groundwork for this effort. This legislation provides the opportunity to the private sector to demonstrate their ability to provide this service more efficiently, and this amendment allows sufficient overlap between the existing Federal operation and its private counterpart to ensure that there is no gap in this important function.

Mr. HOKE. I thank the chairman for accepting the amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I have reviewed the gentleman's amendment in great detail, and applying the same high standards as I did to the other gentleman from Ohio on this side of the aisle, I would like to say that as long as your amendment meets the rigorous standards of the Republican leadership of the committee, I am happy to support it.

Mr. HOKE. I thank the ranking member very much and will keep that in mind. I appreciate having worked with him when he was the chairman of the committee.

Mr. Chairman, I include for the RECORD a letter from the chairman of the Aerospace Safety Advisory Panel, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, October 5, 1995.

Hon. MARTIN R. HOKE,
House of Representatives, Cannon Building, Washington, DC.

DEAR CONGRESSMAN HOKE: The Aerospace Safety Advisory Panel appreciates very much your confidence in its work and is must pleased to respond to your letter of September 11, 1995, requesting our assessment of the provision in H.R. 2043 mandating the privatization of NASA's microgravity flight operations.

The Panel was previously made aware that such a provision had been included in the Bill and has begun some preliminary investigation into the potential impact to safety of NASA microgravity aircraft operations. Our subcommittee on aircraft operations under the leadership of VADM Robert F. Dunn (retired) will be the cognizant Panel representative for this study. Since our investigation is in the preliminary stage we hesitate to offer a definitive comment at this time. It should be noted that any time there is a major change in modus of operations of such magnitude, the impact to safety must be a prime concern. Our first recommendation would be to proceed slowly and deliberately because under the proposed scenario, the lives of the astronauts in training, as well as those of the researchers and air crew on board could be at risk. Thorough investigation and weighing of all hazards and risk factors must take precedence over other considerations.

It must be recognized that microgravity flying, especially when utilizing large aircraft such as NASA's KC-135 or DC-9, requires the precise performance of maneuvers close to operational and structural limits. It takes years for a pilot to gain the experience necessary to fly such complex maneuvers. In addition, specially trained and experienced maintenance and inspection teams are required to ensure that the aircraft is safe prior to flight operations. To our knowledge there is no private enterprise conducting operations similar to NASA's large aircraft microgravity flight operations anywhere in the world. The costs involved in purchasing and modifying the appropriate aircraft plus the time needed to obtain the required flight operations expertise can be an expensive and herculean undertaking in itself.

Since the aircraft involved are used to support other NASA programs in addition to the microgravity flight operations, NASA must first address a number of major considerations before a comprehensive assessment can be made:

1. What exactly is meant by the term "privatization"?
2. How would "privatization" benefit NASA's microgravity research programs?
3. Would the existing microgravity aircraft simply be turned over to a commercial entity for flight operation or would they have to purchase and certify new aircraft?
4. What priorities would be given to allow NASA to continue to support the needed astronaut training, Space Shuttle operations and basic microgravity research programs?
5. What are the economic benefits?
6. Where would the experienced pilots, flight crews and ground maintenance personnel come from?
7. What are the legal and liability aspects of "privatizing" this operation?

The above notwithstanding, the Panel recognizes the imperative to bring about efficiencies without compromising safety and is committed to assist NASA in that endeavor. In that light, it is our recommendation the provision of H.R. 2043 directing the privatization of NASA's microgravity flight operations be stricken from the Bill for this year and that NASA and the Panel be permitted to conduct the appropriate investigations into the safety, legal and economic aspects of the effort prior to the next legislative session.

Sincerely,

PAUL M. JOHNSTONE
Chairman, Aerospace Safety Advisory Panel.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to title II?

If not, the clerk will designate title III.

The text of title III is as follows:

TITLE III—DEPARTMENT OF ENERGY

SEC. 301. SHORT TITLE.

This title may be cited as the "Department of Energy Civilian Research and Development Act of 1995".

SEC. 302. DEFINITIONS.

For purposes of this title—

(1) the term "CERN" means the European Organization for Nuclear Research;

(2) the term "Department" means the Department of Energy;

(3) the term "Large Hadron Collider project" means the Large Hadron Collider project at CERN;

(4) the term "major construction project" means a civilian development, demonstration, or commercial application protect whose construction costs are estimated to exceed $100,000,000 over the life of the project;

(5) the term "Secretary" means the Secretary of Energy;

(6) the term "substantial construction project" means a civilian research, development, demonstration, or commercial application project whose construction costs are estimated to exceed $10,000,000, but not to exceed $100,000,000, over the life of the project; and

(7) the term "substantial equipment acquisition" means the acquisition of civilian research, development, demonstration, or commercial application equipment at a cost estimated to exceed $10,000,000 for the entire acquisition.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS

(a) ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Energy Supply Research and Development operating, capital equipment, and construction the following amounts:

(1) Solar and Renewable Energy, $235,451,000, of which—

(A) $235,331,000 shall be for operating and capital equipment; and

(B) $120,000 shall be for construction of Project GP-C-002, General Plant Projects, National Renewable Energy Laboratory.

(2) Nuclear Energy, $270,448,000, of which—

(A) $267,748,000 shall be for operating and capital equipment, including, subject to section 304(c), $14,000,000 for the AP600 light water reactor;

(B) $1,000,000 shall be for construction of Project GPN-102, General Plant Projects, Argonne National Laboratory-West, Idaho; and

(C) $1,700,000 shall be for completion of construction of Project 95-E-207, Modifications to Reactors, Experimental Breeder Reactor-II, Sodium Processing Facility, Argonne National Laboratory-West, Idaho.

(3) Environment, Safety, and Health, $128,433,000 for operating and capital equipment.

(4) Biological and Environmental Research, $369,645,000, of which—

(A) $313,550,000 shall be for operating and capital equipment;

(B) $3,500,000 shall be for construction of Project GPE-120, General Plant Projects, Various Locations;

(C) $5,700,000 shall be for construction of Project 94-E-339, Human Genome Laboratory, Lawrence Berkeley Laboratory;

(D) $4,295,000 shall be for completion of construction of Project 94-E-338, Structural Biology Facility, Argonne National Laboratory;

(E) $2,600,000 shall be for completion of construction of Project 94-E-337, ALS Structural Biology Support Facilities, Lawrence Berkeley Laboratory; and

(F) $40,000,000 shall be for construction of Project 91-EM-100, Environmental Molecular Sciences Laboratory, Pacific Northwest Laboratory.

(5) Fusion Energy, $254,144,000, of which—

(A) $245,144,000 shall be for operating and capital equipment for Magnetic Fusion Energy;

(B) $4,800,000 shall be for operating and capital equipment for Inertial Fusion Energy;

(C) $1,000,000 shall be for construction of Project GPE-900, General Plant Projects, Various Locations; and

(D) $3,200,000 shall be for construction of Project 96-E-310, Elise Project, Lawrence Berkeley Laboratory.

(6) Basic Energy Sciences, $827,981,000, of which—

(A) $805,412,000 shall be for operating and capital equipment, including $60,000,000 for the Scientific Facilities Initiative;

(B) $4,500,000 shall be for construction of Project GPE-400, General Plant Projects, Various Locations;

(C) $12,883,000 shall be for construction of Project 96-E-305, Accelerator and Reactor Improvements and Modifications;

(D) $3,186,000 shall be for completion of construction of Project 89-R-402, 6-7 GeV Synchrotron Radiation Source, Argonne National Laboratory; and

(E) $2,000,000 shall be for construction of Project 87-R-405, Combustion Research Facility, Phase II, Sandia National Laboratories-Livermore.

(7) Advisory and Oversight Program Direction, $6,200,000 for operating.

(8) Policy and Management—Energy Research, $2,200,000 for operating.

(9) Multiprogram Energy Laboratories—Facilities Support—

(A) $15,539,000 shall be for operating and capital equipment;

(B) $8,740,000 shall be for construction of Project GPE-801, General Plant Projects, Various Locations;

(C) $8,740,000 shall be for construction of Project 95-E-310, Multiprogram Laboratory Rehabilitation, Phase 1, Pacific Northwest Laboratory;

(D) $1,500,000 shall be for construction of Project 95-E-303, Electrical Safety Rehabilitation, Pacific Northwest Laboratory;

(E) $3,270,000 shall be for completion of construction of Project 95-E-302, Applied Science Center, Phase 1, Brookhaven National Laboratory;

(F) $2,500,000 shall be for construction of Project 95-E-301, Central Heating Plant Rehabilitation, Phase 1, Argonne National Laboratory;

(G) $2,038,000 shall be for construction of Project 94-E-363, Roofing Improvements, Oak Ridge National Laboratory;

(H) $440,000 shall be for completion of construction of Project 94-E-351, Fuel Storage and Transfer Facility Upgrade, Brookhaven National Laboratory;

(I) $800,000 shall be for construction of Project 96-E-332, Building 801 Renovations, Brookhaven National Laboratory;

(J) $2,400,000 shall be for completion of construction of Project 96-E-331, Sanitary Sewer Restoration, Phase I, Lawrence Berkeley Laboratory;

(K) $1,200,000 shall be for construction of Project 96-E-330, Building Electrical Service Upgrade, Phase I, Argonne National Laboratory;

(L) $2,480,000 shall be for construction of Project 95-E-309, Loss Prevention Upgrade-Electrical Substations, Brookhaven National Laboratory;

(M) $1,540,000 shall be for construction of Project 95-E-308, Sanitary System Modifications, Phase II, Brookhaven National Laboratory;

(N) $1,000,000 shall be for construction of Project 95-E-307, Fire Safety Improvements, Phase III, Argonne National Laboratory;

(O) $1,288,000 shall be for completion of construction of Project 93-E-324, Hazardous Materials Safeguards, Phase I, Lawrence Berkeley Laboratory;

(P) $1,130,000 shall be for completion of construction of Project 93-E-323, Fire and Safety Systems Upgrade, Phase I, Lawrence Berkeley Laboratory; and

(Q) $2,411,000 shall be for construction of Project 93-E-320, Fire and Safety Improvements, Phase II, Argonne National Laboratory.

Notwithstanding subparagraphs (A) through (Q), the total amount authorized under this paragraph shall not exceed $39,327,000.

(10) Technical Information Management Program, $14,394,000, of which—

(A) $12,894,000 shall be for operating and capital equipment; and

(B) $1,500,000 shall be for construction of Project 95-A-500, Heating, Venting, and Air Conditioning Retrofits, Oak Ridge.

(11) Environmental Management, $644,197,000, of which—

(A) $627,127,000 shall be for operating and capital equipment;

(B) $339,000 shall be for completion of construction of Project 92-E-601, Melton Valley Liquid Low-Level Waste Collection and Transfer System Upgrade, Oak Ridge National Laboratory;

(C) $4,000,000 shall be for construction of Project 88-R-830, Bethel Valley Liquid Low-Level Waste Collection and Transfer System Upgrade, Oak Ridge National Laboratory;

(D) $2,255,000 shall be for construction of Project GPN-103, Oak Ridge Landlord General Plant Projects;

(E) $730,000 shall be for construction of Project GPN-102, Test Reactor Area Landlord General Plant Projects, Idaho National Engineering Laboratory;

(F) $1,900,000 shall be for construction of Project 95-E-201, Test Reactor Area Landlord Fire and Life Safety Improvements, Idaho National Engineering Laboratory;

(G) $2,040,000 shall be for construction of Project GPE-600, General Plant Projects, Waste Management, Non-Defense, Various Locations;

(H) $300,000 shall be for construction of Project 94-E-602, Bethel Valley Federal Facility Agreement Upgrades, Oak Ridge National Laboratory;

(I) $4,048,000 shall be for construction of Project 93-E-900, Dry Cast Storage, Idaho National Engineering Laboratory;

(J) $787,000 shall be for construction of Project 91-E-602, Rehabilitation of Waste Management Building 306, Argonne National Laboratory; and

(K) $671,000 shall be for completion of construction of Project 88-R-812, Hazardous Waste Handling Facility, Lawrence Berkeley Laboratory.

(b) GENERAL SCIENCE AND RESEARCH ACTIVITIES.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for General Science and Research Activities operating, capital equipment, and construction the following amounts:

(1) High Energy Physics, $680,137,000, of which—

(A) $554,191,000 shall be for operating and capital equipment, including $15,000,000 for the Scientific Facilities Initiative;

(B) $12,146,000 shall be for construction of Project GPE-103, General Plant Projects, Various Locations;

(C) $9,800,000 shall be for construction of Project 96-G-301, Accelerator Improvements and Modifications, Various Locations;

(D) $52,000,000 shall be for construction of Project 94-G-305, B-Factory, Stanford Linear Accelerator Center; and

(E) $52,000,000 shall be for construction of Project 92-G-302, Fermilab Main Injector, Fermi National Accelerator Center.

(2) Nuclear Physics, $316,873,000, of which—

(A) $239,773,000 shall be for operating and capital equipment, including $25,000,000 for the Scientific Facilities Initiative;

(B) $3,900,000 shall be for construction of Project GPE-300, General Plant Project, Various Locations;

(C) $3,200,000 shall be for construction of Project 96-G-302, Accelerator Improvements and Modifications, Various Locations; and

(D) $70,000,000 shall be for construction of Project 91-G-300, Relativistic Heavy Ion Collider, Brookhaven National Laboratory.

(3) Program Direction, $9,500,000.

(c) FOSSIL ENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Fossil Energy Research and Development operating, capital equipment, and construction the following amounts:

(1) Coal, $49,955,000 for operating.

(2) Oil Technology, $43,234,000 for operating, including maintaining programs at the National Institute for Petroleum and Energy Research.

(3) Gas, $59,829,000 for operating.

(4) Program Direction and Management Support, $45,535,000 for operating.

(5) Capital Equipment, $476,000.

(6) Construction of Project GPF-100, General Plant Projects for Energy Technology Centers, $1,994,000.

(7) Cooperative Research and Development, $7,557,000.

(8) Fossil Energy Environmental Restoration, $12,370,000.

(d) ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Energy Conservation Research and Development operating and capital equipment the following amounts:

(1) Buildings Sector, $55,074,000.

(2) Industry Sector, $55,110,000.

(3) Transportation Sector, $112,123,000.

(4) Technical and Financial Assistance (Non-Grants), $7,813,000.

SEC. 304. FUNDING LIMITATIONS.

(a) FISCAL YEAR 1996 APPROPRIATIONS.—None of the funds authorized by this title may be used for the following programs, projects, and activities:

(1) Solar Buildings Technology Research.

(2) Solar International Program.

(3) Solar Technology Transfer.

(4) Solar Program Support.

(5) Hydropowder.

(6) Space Power Reactor Systems.

(7) Nuclear Energy Facilities.

(8) Soviet-Designed Reactor Safety.

(9) Russian Replacement Power Initiative.

(10) Civilian Radioactive Waste Research and Development.

(11) Tokamak Physics Experiment.

(12) Advanced Neutron Source.

(13) Energy Research Analysis.

(14) Energy Research Laboratory Technology Transfer.

(15) University and Science Education.

(16) Technology Partnerships.

(17) In-House Energy Management.

(18) Direct Liquefaction.

(19) Indirect Liquefaction.

(20) Systems for Coproducts.

(21) High Efficiency-Integrated Gasification Combined Cycle.

(22) High Efficiency-Pressurized Fluidized Bed.

(23) Technical and Economic Analysis.

(24) International Program Support.

(25) Coal Technology Export.

(26) Gas Delivery and Storage.

(27) Gas Utilization.

(28) Fuel Cells Climate Change Action Plan.

(29) Fuels Conversion, Natural Gas, and Electricity.

(30) Clean Coal Technology Program.

(31) Buildings Sector Implementation and Deployment.

(32) Industry Sector Municipal Solid Wastes.

(33) Industry Sector Implementation and Deployment.

(34) Alternative Fuels Utilization.

(35) Transportation Sector Implementation and Deployment.

(36) Utility Sector Integrated Resource Planning.

(37) International Market Development.

(38) Inventions and Innovation Program.

(39) Municipal Energy Management.

(40) Information and Communications.

(41) Policy and Management—Energy Conservation.

(42) Gas Turbine-Modular Helium Reactor.

(b) PRIOR FISCAL YEAR OBLIGATION AND EXPENDITURE.—No funds may be available for obligation or expenditure with respect to the following:

(1) University of Nebraska Medical Center Transplant Center.

(2) Oregon Health Sciences University.

(c) LIGHT WATER REACTOR MATCHING FUNDS.—Funds appropriated for the AP600 light water reactor pursuant to section 303(a)(2)(A) shall be available only to the extent that matching private sector funds are provided for such project, and subject to the condition that such Federal funds shall be repaid to the United States out of royalties on the first commercial sale of such reactor design.

SEC. 305. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 306. MERIT REVIEW REQUIREMENT FOR AWARDS OF FINANCIAL ASSISTANCE.

(a) MERIT REVIEW REQUIREMENT.—The Secretary may not award financial assistance to any person for civilian research, development, demonstration, or commercial application activities, including related facility construction, unless an objective merit review process is used to award the financial assistance.

(b) REQUIREMENT OF SPECIFIC MODIFICATION OF MERIT REVIEW PROVISION.—

(1) IN GENERAL.—A provision of law may not be construed as modifying or superseding subsection (a), or as requiring that financial assistance be awarded by the Secretary in a manner inconsistent with subsection (a), unless such provision of law—

(A) specifically refers to this section;

(B) specifically that such provision of law modifies or supersedes subsection (a); and

(C) specifically identifies the person to be awarded the financial assistance and states that the financial assistance to be awarded pursuant to such provision of law is being awarded in a manner inconsistent with subsection (a).

(2) NOTICE AND WAIT REQUIREMENT.—No financial assistance may be awarded pursuant to a provision of law that requires or authorizes the award of the financial assistance in a manner inconsistent with subsection (a) until—

(A) the Secretary submits to the Congress a written notice of the Secretary's intent to award the financial assistance; and

(B) 180 days has elapsed after the date on which the notice is received by the Congress.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "objective merit review process" means a thorough, consistent, and independent examination of requests for financial assistance based on preestablished criteria and scientific and technical merit by persons knowledgeable in the field for which the financial assistance is requested.

(2) The term "financial assistance" means the transfer of funds or property to a recipient or subrecipient to accomplish a public purpose of support or stimulation authorized by Federal law. Such term includes grants, cooperative agreements, and subawards but does not include cooperative research and development agreements as defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), nor any grant that calls upon the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, or the National Academy of Public Administration to investigate, examine, or experiment upon any subject of science or art and to report on such matters to Congress or any agency of the Federal Government.

SEC. 307. POLICY ON CAPITAL PROJECTS AND CONSTRUCTION.

(a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1) No funds are authorized to be appropriated to the Secretary for any substantial construction project, substantial equipment acquisition, or major construction project unless a report on such project or acquisition has been provided to Congress in accordance with subsection (b).

(2) The Secretary may not obligate any funds for any substantial construction project, substantial equipment acquisition, or major construction project unless such project or acquisition has been specifically authorized by statute.

(3) This subsection may not be amended or modified except by specific reference to this subsection.

(b) REPORTS TO CONGRESS.—(1) Within 180 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that identifies all construction projects and acquisitions of the Department described in subsection (a) for which the preliminary design phase is completed but the construction or acquisition is not completed. Such report shall include—

(A) an estimate of the total cost of completion of the construction project or acquisition, itemized by individual activity and by fiscal year; and

(B) an identification of which construction projects or acquisitions have not been specifically authorized by statute.

The Secretary shall annually update and resubmit the report required by this paragraph, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914).

(2) The Secretary shall, after completion of the preliminary design phase of a major construction project, submit to the Congress a report containing—

(A) an estimate of the total cost of construction of the facility;

(B) an estimate of the time required to complete construction;

(C) an estimate of the annual operating costs of the facility;

(D) the intended useful operating life of the facility; and

(E) an identification of any existing facilities to be closed as a result of the operation of the facility.

SEC. 308. FURTHER AUTHORIZATIONS.

Nothing in this title shall preclude further authorization of appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996: *Provided*, That authorization allocations adopted by the Conference Committee on House Concurrent Resolution 67, and approved by Congress, allow for such further authorizations.

SEC. 309. HIGH ENERGY AND NUCLEAR PHYSICS.

(a) LARGE HADRON COLLIDER PROJECT.—

(1) NEGOTIATIONS.—The Secretary, in consultation with the Director of the National Science Foundation and the Secretary of State, shall enter into negotiations with CERN concerning United States participation in the planning and construction of the Large Hadron Collider project, and shall ensure that any agreement incorporates provisions to protect the United States investment in the project, including provisions for—

(A) fair allocation of costs and benefits among project participants;

(B) a limitation on the amount of United States contribution to project construction and an estimate of the United States contribution to subsequent operating costs;

(C) a cost and schedule control system for the total project;

(D) a preliminary statement of costs and the schedule for all component design, testing, and fabrication, including technical, goals and milestones, and a final statement of such costs and schedule within 1 year after the date on which the parties enter into the agreement;

(E) a preliminary statement of costs and the schedule for total project construction and operation, including technical goals and milestones, and a final statement of such costs and schedule within 1 year after the date on which the parties enter into the agreement;

(F) reconsideration of the extent of United States participation if technical or operational milestones described in subparagraphs (D) and (E) are not met, or if the project falls significantly behind schedule;

(G) conditions of access for United States and other scientists to the facility; and

(H) a process for addressing international coordination and cost sharing on high energy physics projects beyond the Large Hadron Collider.

(2) OTHER INTERNATIONAL NEGOTIATIONS.—Nothing in this title shall be construed to preclude the President from entering into negotiations with respect to international science agreements.

(b) REPORT TO CONGRESS.—Before January 1, 1996, the Secretary, in consultation with the Director of the National Science Foundation and with the high energy and nuclear physics communities, shall prepare and transmit to the Congress a strategic plan for the high energy and nuclear physics activities of the Department, assuming a combined budget of $950,000,000 for all activities authorized under section 303(b) for fiscal year 1997, and assuming a combined budget of $900,000,000 for all activities authorized under section 303(b) for each of the fiscal years 1998, 1999, and 2000. The report shall include—

(1) a list of research opportunities to be purchased including both ongoing and proposed activities;

(2) an analysis of the relevance of each research facility to the research opportunities listed under paragraph (1);

(3) a statement of the optimal balance among facility operations, construction, and research support and the optimal balance between university and laboratory research programs;

(4) schedules for the continuation, consolidation, or termination of each research program, and continuation, upgrade, transfer, or closure of each research facility; and

(5) a statement by project of efforts to coordinate research projects with the international communities to maximize the use of limited resources and avoid unproductive duplication of efforts.

SEC. 310. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 311. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Secretary shall exclude from consideration for awards of financial assistance made by the Department after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 312. TERMINATION COSTS.

Unobligated funds previously appropriated for the Clean Coal Technology program may be used to pay costs associated with the termination of Energy Supply Research and Development, General Science and Research, Fossil Energy Research and Development, and Energy Conservation Research and Development programs, projects, and activities of the Department.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ROEMER: Page 104, after line 5, insert the following new section:

SEC. 313. LABORATORIES EFFICIENCY IMPROVEMENT.

(a) ELIMINATION OF SELF-REGULATION.—Notwithstanding any other provision of law, the Department shall not be the agency of implementation, with respect to departmental laboratories, other than departmental defense laboratories, of Federal, State, and local environmental, safety, and health rules, regulations, orders, and standards.

(b) PERSONNEL REDUCTIONS.—

(1) REQUIREMENTS.—The aggregate number of individuals employed by all government-owned, contractor-operated departmental laboratories, other than departmental defense laboratories, shall be reduced, within 5 years after the date of the enactment of this Act, by at least one-third from the number so employed as of such date of enactment. At least 3 percent of such reduction shall be accomplished within 1 year, at least 6 percent within 18 months, at least 10 percent within 2 years, and at least 15 percent within 30 months.

(2) OBJECTIVES.—The Secretary shall ensure that the personnel reductions required by paragraph (1) are made consistent with, to the extent feasible, the following objectives:

(A) Termination of departmental laboratory research and development facilities that are not the most advanced and the most relevant to the programmatic objectives of the Department, when compared with other facilities in the United States.

(B) Termination of facilities that provide research opportunities duplicating those afforded by other facilities in the United States, or in foreign countries when United States scientists are provided access to such facilities to the extent necessary to accomplish the programmatic objectives of the Department.

(C) Relocation and consolidation of departmental laboratory research and development activities, consistent with the programmatic objectives of the Department, within laboratories with major facilities or demonstrable concentrations of expertise appropriate for performing such research and development activities.

(D) Reduction of management inefficiencies within the Department and the departmental laboratories.

(E) Reduction of physical infrastructure needs.

(F) Utilization of other resources for performing Department of Energy funded research and development activities, including universities, industrial laboratories, and others.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary shall transmit a report to the Congress that—

(A) identifies the extent to which Department and departmental laboratory staffs have been reduced as a result of the implementation of subsection (a) of this section; and

(B) explains the extent to which reductions required by subsection (b)(1) have been made consistent with the objectives set forth in subsection (b)(2).

(2) ANNUAL REPORTS.—The Secretary shall transmit to the Congress, along with each of the President's annual budget submissions occurring—

(A) after the report under paragraph (1) is transmitted; and

(B) before the full personnel reduction requirement under subsection (b) is accomplished, a report containing the explanation described in paragraph (1)(B) of this subsection.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "departmental laboratory" means a Federal laboratory, or any other laboratory or facility designated by the Secretary, operated by or on behalf of the Department;

(2) the term "departmental defense laboratories" means the Lawrence Livermore National Laboratory, the Los Alamos National

Laboratory, and the Sandia National Laboratories;

(3) the term "Federal laboratory" has the meaning given the term "laboratory" in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)); and

(4) the term "programmatic objectives of the Department" means the goals and milestones of the Department, as set forth in departmental strategic planning documents and the President's annual budget requests.

Page 3, after the item in the table of contents relating to section 312, insert the following:

"Sec. 313. Laboratories efficiency improvement.".

Mr. ROEMER. Mr. Chairman, my amendment is an amendment that is fairly simple and straightforward and easy to explain. It will help balance the budget by requiring that the national laboratories participate in fair, even cuts, as many of the other items in this bill are experiencing. It does it in a fair way. It exempts the defense laboratories, such as Sandia, Los Alamos, and Livermore. It does impact the energy laboratories. This bill is about eliminating real corporate welfare. It is saying, in fact, that the Government, the taxpayer, should not be footing the bill for the AT&Ts and the Motorolas and the Intels and all the big corporations in the United States that have the ability to have their own laboratories, to have their own research, we should not be putting all kinds of our tax dollars forward in these areas. We should be asking the national laboratories to participate in fair deficit reduction.

Mr. Chairman, this is reform. This is repositioning and retooling the national laboratories in 1995 to move into the next century. This is asking that the national laboratories not be exempt from any kind of pain in cuts. If we are debating on this House floor cuts in Head Start programs, in Medicare, if we are debating cuts in agriculture programs, certainly the national laboratories should be part of this restructuring.

I come to this, Mr. Chairman, as a strong supporter of the national laboratories. These are in fact resources, valuable resources for our science and research and development community, but there can be better efficiencies. There can be better ways to do this research than currently under the environment of the last 40 and 50 years.

My amendment, Mr. Chairman, does two things, two simple things: First of all it eliminates self-regulation by the DOE labs in meeting Federal, State and local environmental health and safety regulations. This was maybe the prime recommendation by Mr. Bob Galvin, the former CEO of Motorola in the Galvin Report, saying that while the Federal labs should continue to have to abide by health and safety regulations, they should not do it from Washington, DC., with scores of bureaucrats, and with a labyrinth bureaucracy.

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That is what this Congress supposedly is trying to do, is come up with new ideas to cut out the layers of red tape and bureaucracy. That is what Mr. Galvin recommended as a former CEO of Motorola. Let us get rid of that and have the laboratories abide by those regulations, but do it in a businesslike fashion, do it from their laboratories and their States and at the local level, not from Washington, DC., with a big building here in Washington, DC., doing the self-regulating. That is the first thing that this amendment does.

Second, the Department of Energy will be required to downsize the number of full-time employees, again exempting the Defense Department labs by one-third over a period of 5 years.

Mr. Chairman, this is a measure that was heartily endorsed by the Council on Competitiveness. Now, the Council on Competitiveness is a proresearch, proscience group that actually recommended in our hearings that we cut back in an 18-month period by 33 percent, not in a 5-year period as recommended in my legislation. They recommended it, although they are proresearch, they are proscience, they are pro-national laboratories. They said you could accomplish this in 18 months.

In order to make sure that we get a fair restructuring, adequate efficiency in our national laboratories, we have given the national laboratories 5 years to meet this goal.

Mr. Chairman, this is a bipartisan amendment. It is offered by myself and the gentleman from Wisconsin [Mr. KLUG]. It is an effort on the part of a Republican and a Democrat to lead a new direction on balancing the budget, not the status quo that some Members on my side of the aisle have advocated over the years: Well, let us do nothing about the deficit, let us let the deficit be where it is, and we will be content to have a $4.8 trillion deficit.

But it also does not reflect some of the extremism that we see sometimes on the other side of the aisle, that the balanced budget amendment, the balanced budget should be achieved simply by cutting programs for children, cutting programs for senior citizens and not having the national laboratories participate in this tough, tough environment to move toward a balanced budget in a fair way.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will speak my own mind on this, which should not be the first, because I happen to agree with my colleague that this amendment is a good amendment, and I will be supporting it.

But I do realize that there are a number of people on this side of the aisle who do not agree with that opinion, and I will by yielding to them as soon as they arrive here.

Let me say I agree that at the labs, just like everywhere else, we should be setting down guidelines as to how they can reduce their own costs and how they can reduce the costs to the Federal Government of maintaining this laboratory system.

I think that the amendment before us today is thoughtful. It is one that will actually achieve its goal, and it is one I think the author should be commended for.

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

Mr. ROHRABACHER. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding.

I wanted to come in my subcommittee chairman's absence and rise in support of the bill offered by the chairman, the gentleman from New Mexico [Mr. SCHIFF], H.R. 2142, which actually sets new priorities for our national Federal laboratory system.

While I very much respect my colleague from Indiana and know that everything he does is well-intentioned, and I think he is one of the brightest stars on this side of the aisle, but in this case it is the wrong approach to how we make our Federal laboratory system more efficient. It does not take into consideration the priorities that need to be set for where we spend our money in these critical areas. It would be like coming into a plant and saying you are all of the same worth and everyone is going to have to be reduced over time by these figures regardless of your productivity, regardless of your efficiency, regardless of what time you come to work and what time you leave.

What we need to do, as Bob Galvin, through the Galvin Commission actually identified, is redefine the role of our Federal laboratory system and come up with a whole new mission in the post-cold-war era of what our laboratories should actually do, and we need to make them more efficient.

Secretary O'Leary has actually enacted quite a few cuts in the programs of the Department of Energy, including the laboratories over time. Maybe some of them do not go far enough, and I think this side of the aisle will make sure that they go further.

But I think that while your approach is well-intentioned, it is the wrong approach at the wrong time.

I think another amendment will be heard later today that just says let us sell off all the laboratories except three, which again is a meat-ax approach to a very delicate thing. Our laboratories in this country are essential to our international competitiveness, and I know the gentleman from Indiana knows that and recognizes that.

So I think our intent would be the same, but your approach I cannot agree with.

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

Mr. ROHRABACHER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I say "thank you" to the chairman for his support for this amendment, and to the gentleman from Tennessee who just spoke, I share a great deal of admiration for him. He was at many of the hearings where we debated the future of our national laboratories, and I would say this, he quoted from the Galvin report.

Certainly a major part of my amendment is taken directly from the Galvin report in terms of terminating the self-regulation by DOE of the national laboratories and doing it more efficiently, doing it like businesses do it.

I would say, second, the gentleman represents Oak Ridge, which is one of the best national laboratories we have. My amendment does not say we are going to cut Oak Ridge by 33 percent. In fact, what the effect of my amendment might be is to say Oak Ridge is a great laboratory, it is doing things very well. We may move some work from other national laboratories to Tennessee in order to increase our efficiencies and to do things better with the group of scientists that are currently doing a great job there. It does not mandate closures.

Mr. ROHRABACHER. Reclaiming my time, the gentleman is suggesting his amendment only mandates that we make tough choices rather than what those choices will be?

Mr. ROEMER. I would say the distinguished chairman said it more succinctly than I said it in the last 2 minutes. We should not delegate our tough choices to a committee or to a commission to make the choices to close national laboratories. We are elected to represent the people and the taxpayers. We should make those choices right here right now.

AMENDMENT OFFERED BY MR. RICHARDSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROEMER

Mr. RICHARDSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON as a substitute for the amendment offered by Mr. ROEMER: Page 104, after line 5, insert the following new section:

SEC. 313. DEPARTMENT OF ENERGY LABORATORY OPERATIONS BOARD.

(a) DEFINITIONS.—

For purposes of this section—

(1) the term "Department" means the Department of Energy;

(2) the term "laboratory" means—

(A) a laboratory, as defined in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)), or

(B) a Federal laboratory, as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703);

but such term does not include defense laboratories, and

(3) the term "Secretary" means the Secretary of Energy.

(b) LABORATORY OPERATIONS BOARD.—

(1) ESTABLISHMENT AND MEMBERSHIP.—The Secretary shall establish a Department of Energy Laboratory Operations Board (in this section referred to as the "Board"). The Board shall consist of at least 12 members divided equally between Federal and public members.

(2) FEDERAL MEMBERS.—The Secretary shall appoint Federal members from among the senior management of the Department on the basis of their responsibilities with respect to the operation of Department laboratories, including research and development, policy, or administration responsibilities.

(3) PUBLIC MEMBERS.—The Secretary shall appoint public members from institutions of higher education, industry, or government on the basis of their experience or accomplishments in research and development, policy, or administration.

(4) TERMS OF MEMBERSHIP.—The Secretary shall appoint each member for a term of 6 years, except that terms shall be staggered to provide continuity.

(5) GOVERNANCE OF THE BOARD.—The Board shall be chaired by one of the public members so designated by the Secretary.

(c) PURPOSE AND GOAL OF THE BOARD.—

(1) PURPOSE.—The purpose of the Board is to provide advice regarding the strategic direction for Department laboratories, the coordination of budget and policy issues affecting laboratory operations, and effective laboratory management.

(2) GOAL.—The primary goal of the Board is to facilitate productive and cost-effective use of Department laboratories.

(d) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The functions of the Board shall include—

(A) helping to sharpen the mission focus of Department laboratories;

(B) assisting the Department in timely resolution of issues and problems across laboratories;

(C) facilitating application of best business practices in laboratory management, including reduction of unnecessary or counterproductive management burdens;

(D) developing recommendations for the Secretary regarding the size, mission, or scope of laboratories and laboratory activities in view of changes in Federal policy or resources, including funding; and

(E) providing advice and recommendations to the Secretary with respect to—

(i) management improvement initiatives to reduce the burden of Department oversight, to clarify lines of control and accountability, and to secure higher levels of research and development performance at lower cost;

(ii) cost-containment generally, including application of best business practices, and more efficient use of resources to comply with Federal and other administrative and regulatory requirements;

(iii) strategic direction for the laboratories, including validation of strategic plans, programmatic and management issues, and coordination of the laboratories as a system;

(iv) development and implementation of a Laboratory Mission Plan for the Department laboratories to ensure that activities of each Department laboratory are optimally focussed on the missions of the Department; and

(v) departmental efforts to integrate its basic and applied research programs and to integrate Department laboratory research programs with research and development programs of industry, other government agencies, and institutions of higher education.

(2) PUBLIC MEMBERS ONLY.—A subcommittee of the Board consisting of its public members shall—

(A) analyze issues affecting Department laboratories to provide the basis for independent views;

(B) report to the Secretary and the Congress on at least an annual basis assessing the performance of—

(i) the Department, in improving its management practices of Department laboratories through the reduction or elimination of unnecessary or counterproductive management burdens;

(ii) the Department laboratories, in reducing costs by a cumulative amount of at least $1,400,000,000 between fiscal year 1996 and fiscal year 2000 through the elimination of unnecessary or counterproductive administrative practices and procedures; and

(iii) the Department, in meeting the goal of cutting employment of the Department laboratories by 15 percent over 5 years, using fiscal year 1994 personnel figures as the baseline; and

(C) provide recommendations regarding budget allocation for programs or Department laboratories.

(3) ADDITIONAL FUNCTIONS.—The Secretary may establish additional functions for the Board, or request additional review, comment, or recommendations from public members of the Board.

(4) FUNCTIONS LIMITATION.—The Federal Advisory Committee Act (5 U.S.C. App.), section 17 of the Federal Energy Administration Act (15 U.S.C. 776), and section 552b of title 5, United States Code, do not apply to the Board or its members.

(e) SUNSET.—This section terminates on September 30, 2005.

Page 3, after the item in the table of contents relating to section 312, insert the following:

Sec. 313. Department of Energy Laboratory Operations Board.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, let me just make it clear what my amendment does and why I think it is a preferable choice to what my colleague from Indiana is doing.

My amendment would, first of all, establish a laboratory operations board for the purposes of providing attention to the reform that is needed at the DOE national laboratories. But what my amendment would do is cut lab personnel by 15 percent, not 30 percent. What my amendment would do is strip about $1.4 billion in excess costs in the DOE labs.

My amendment would apply to what the gentleman from Indiana [Mr. ROEMER] is doing to the civilian labs. What is happening right now at the Department of Energy is cost cutting is already going and taking place. It happened at Los Alamos Laboratories just this last weekend when I had close to 500 of my personnel that are being laid off.

I think that, in the interests of good science, we should not, as politicians, be making these decisions. These should be scientific decisions.

The amendment offered by the gentleman from Indiana [Mr. ROEMER] would lay off close to 14,000 people out of the DOE lab system, scientists, engineers, technical experts.

The Department of Energy can live with my amendment. What my amendment does is simply implement and recognize the cost cutting that already is going on at DOE.

Mr. Chairman, today the Royal Swedish Academy of Sciences announced a Nobel Prize for physics. They went to two scientists who performed the research at Department of Energy national labs, Martin Perl, for his work at Stanford linear accelerator center; Frederick Reines, for work at Los Alamos. The Royal Swedish Academy also announced the 1995 Nobel Prizes in chemistry will go to two researchers who received their funding support from DOE. These four awards bring to 64 the number of Nobel Prizes from the United States, resulting from research supported by DOE.

What my amendment does is acknowledge the good work of the gentleman from Indiana [Mr. ROEMER] and the gentleman from Wisconsin [Mr. KLUG], but it is not a meat cleaver. Mine is 15 percent.

This is being implemented by the Department of Energy. It is moving ahead. The language in my bill has a number of commissions that work with the DOE to ensure that we do reduce spending at the labs.

Mr. Chairman, if we are going to be at the vanguard of science and transfer of technology and energy and shifting many of these labs from defense to civilian research, let us not cut it by 30 percent, 25 percent less than the administration budget. I think we are talking about people that lose their jobs but also the Nation's research and science capability.

My amendment, at 15 percent over 5 years, is something that the scientific community and the Department of Energy can live with. The 30 percent, 30 percent, you are literally going to be closing down some laboratories. You are going to be laying off 14,000 people. I have an estimate of 20,000 people, but I will accept the figure of the gentleman from Indiana [Mr. ROEMER] or someone's figure that it is 14,000.

The goal of the gentleman from Indiana is to enhance efficiency of these labs. But I think his approach is wrong. This amendment is a meat cleaver when what you need is a scalpel.

So I want to also apologize to the Committee on Science for coming forth with this amendment at the last minute, but this is too broad a meat-ax approach, and I would hope that Members on both sides of the aisle recognize that there is an honest effort at cutting, at reducing waste, at continuing a 5-year trend of reducing spending at the labs, but doing it in a way that can be absorbed.

Mr. Chairman, I would just simply like to state that this amendment is consistent with the Galvin report. The Galvin report did not say cut the labs, the civilian side, by a third. They basically said that the labs had to find new missions and reinforce old missions. They said there should be the defense labs, and there should be the civilian labs, and some of the defense labs should also do other research than nuclear weapons.

Theirs was a serious report, but to reinforce this amendment as the reason for supporting the Galvin report, I do not think is good science. I do not think it is good government.

I would urge my colleagues to support the substitute.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(At the request of Mr. BROWN of California and by unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding.

I take this time not so much to discuss his amendment, but I was intrigued by his citation of the two outstanding scientists in the laboratories of the Department of Energy who won the Nobel Prize in physics. Of course, these are not the first scientists who have distinguished themselves in either the laboratories or in research funding from the Department of Energy.

One that I wanted to mention because he is a Californian is Dr. Sherry Roland at the University of California at Irvine, who won the Nobel Prize in chemistry just within the last few days because of the pioneering work that he did on atmospheric chemistry relating to the depletion of ozone. In the event that some of my friends on the other side still think that this ozone depletion theory is still the fantasy of some cockamamie environmentalist, the Nobel Prize committee did not think so and awarded him the Nobel Prize in chemistry for that research.

May I just conclude by saying that I appreciate the gentleman offering this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both of the amendments. I think we are making a bad mistake here on the floor to adopt what is essentially an amendment taking the Department of Energy's position. The gentleman from New Mexico offers it, I know, in good faith, but essentially what he is doing is locking in what the department of Energy has already decided to do in terms of restructuring the labs. It is simply the Department of Energy's approach taken forward.

□ 1530

The gentleman from Indiana [Mr. ROEMER] does take an approach here which I believe the language is unclear as to exactly what the effects would be, but the language of his amendment says that the aggregate number of individuals employed at all Government-owned, contractor-operated, departmental laboratories, other than the defense ones, would be affected, which sounds to me like it could be interpreted, as someone interpreted earlier, as being a one-third cut from every laboratory.

Now, as my colleagues know, we can interpret it both ways, but it is certainly possible to put that interpretation on the language that we have before us and with absolutely no discretion about how that is going to be done. I think that is a bad approach.

Now earlier today we have members of the minority coming to the floor complaining about the fact we have taken all these terrific cuts in science. Mr. Chairman, the fact is that when the gentleman from Indiana [Mr. ROEMER] tells us about the fact that we somehow should cut here, the cuts have already been made. We have cut $1.1 billion out of these accounts. We have left it to the Department to begin the process of trying to figure out how to apportion those cuts in a way that makes sense, but we did the job. We cut $1.1 billion out of these accounts, so these are cuts over and above the $1.1 billion of money that has already been cut, and let us understand we are cutting money out of programs that most people regard as a national asset for this country. We have had very little testimony to indicate that we do not have in the national laboratories assets of great importance to our future.

The gentleman from Indiana a few moments ago referred to the Oak Ridge Laboratory as being a stellar laboratory that maybe we would put more things into. That is fine if he can identify the good ones. I wonder if he can tell us what the bad ones are that are going to be eliminated so that we can put the money into Oak Ridge. I wonder can the gentleman tell us what the ones are that are going to get cut. He has identified the good one that is going to get more money under his amendment; what are some of the bad ones out there that are going to end up being eliminated under the gentleman's amendment?

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

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the distinguished gentleman

from Pennsylvania [Mr. WALKER] that it is up to the discretion of the Secretary of Energy to make that decision. Certainly we should say that there have to be cuts and we should not pass that on, and I would say to the gentleman, if he would further yield, that it could be that one of my—I have a facility in my district that may end up losing jobs and go to Tennessee. So I am certainly willing to do that in the efforts of deficit reduction.

Mr. WALKER. Reclaiming my time, so in other words the gentleman was incorrect when he said that Oak Ridge would be protected because the Secretary would have the discretion to cut Oak Ridge; is that right?

Mr. ROEMER. If the gentleman would yield, I did not say Oak Ridge would be protected. I said a hypothetical that Oak Ridge was a stellar laboratory and, in fact, in gaining greater efficiencies they may move some of the facilities——

Mr. WALKER. Mr. Chairman, if we can identify the stellar laboratories, which ones are not stellar?

Mr. ROEMER. Mr. Chairman, I am sure the gentleman from Tennessee [Mr. WAMP] would identify Oak Ridge as a stellar laboratory. The problem around here, Mr. WALKER, is everybody thinks they have a stellar one, so we do not cut anybody's anything around here, and what I am saying is we got to make some tough choices——

Mr. WALKER. OK, and the gentleman, I do not think, has supported us along the way with a $1.1 billion cut we have already made in these programs. I do not remember the gentleman voting for the bill that had that $1.1 billion cut in it.

Mr. ROEMER. I have opposed many of the gentleman's cuts in Head Start programs for children and Medicare for senior citizens.

Mr. WALKER. No, those are not in our committee.

Mr. ROEMER. B-2 cuts, CIA cuts; I voted for a host of cuts. We disagree on where we should cut.

Mr. WALKER. No, the accounts that include the national laboratories have been cut by $1.1 billion under our bill. Now I do not remember the gentleman supporting that, and the gentleman's amendment is an add-on beyond the $1.1 billion that has already been cut in those accounts.

Now can the gentleman tell me that he is in support of the $1.1 billion that we have already cut?

Mr. ROEMER. I am in support of making rational, fair cuts in science as I am in the B-2 bomber, but I am not going to sit here and engage in a colloquy with the gentleman from Pennsylvania as to which national laboratory should be shut down.

Mr. WALKER. The gentleman is perfectly willing to suggest that he knows laboratories that should not be affected by this because he regards them as stellar, but he is not going to engage in the tough decision then of where the cuts are going to be made, and the point is, I would say to the gentleman, that we have a lot of very good facilities all over the country.

Now he made reference to the Galvin report. So does the Department of Energy. The Department of Energy is not following the Galvin report, neither is the gentleman. I mean everybody seems to take the Galvin report and do with it whatever they want. As my colleagues know, they find that this language and that language and decide that the Galvin report justifies anything they decide they want to do.

The Galvin report is very clear with its recommendation. The Galvin report suggests the privatization scheme over a 10-year period by going to a private corporation that would run the labs for a period of time so that what we could do is ultimately sort out what the good ones and the bad ones were, and we would sort them out based upon the marketplace.

The gentleman is taking a totally different approach. First of all, it is not 10 years, it is 5 years for his approach. Second, he does not allow the kind of process that the Galvin Commission recommended, and so to refer to the Galvin Commission report as being the basis for this amendment I just think is totally wrong based upon what the Galvin report did.

I would say the same is true of the gentleman from New Mexico's amendment. He refers to that and yet offers an amendment that essentially does what the Department of Energy has already decided to do, and that does not take into account the Galvin Commission either.

When the Department of Energy testified before our committee, they said that they took the alternative approach offered by Galvin rather than the main recommendation.

Mr. Chairman, I think maybe we ought to take the opinion of some experts here and not begin dismantling with four amendments what most people regard as a national treasure in our science establishment. If the gentleman wants to cut another third below the $1.2 billion that we have put in place, that can be the gentleman's decision, and some members may decide to go along with it, but I think we ought to be making sensible decisions, decisions based upon sound policy choices rather than taking an approach that is embodied in the gentleman's amendment.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROEMER. Mr. Chairman, I would just ask the gentleman from Pennsylvania [Mr. WALKER] if Mr. Galvin did not support the termination of self-regulation in his recommendations to Congress.

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

Mr. ROEMER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Sure. There are a number of——

Mr. ROEMER. That is what I was citing in the Galvin report.

Mr. WALKER. There are a number of reforms that the Galvin Commission recommended, but their main recommendation, their chief recommendation, was, as you begin the business of paring down the laboratories, to do it based upon a private-sector kind of approach, and not a private sector, not just taking the labs and privatizing them immediately because of the bureaucratic overhead in them at the present time. They cannot be sustained in the private sector, and we will lose them.

The Galvin Commission has a very specific recommendation in that regard. I think we ought to follow the recommendation of the experts. We think that that should be done within a cost-cutting regime, and we are willing to cut money out of DOE, but we are not willing to dismantle the agency in ways that I personally regard as irresponsible.

Mr. ROEMER. I would just respectfully disagree with the gentleman. The gentleman says that he is cutting $1.1 billion out of our science budget. The gentleman has come up with a monetary figure. We have told the Secretary of Energy that it should be a percent in terms of the national laboratories not being exempt. There is not a huge difference in arriving at $1.1. billion, or $1 billion, or $1.7 billion as opposed to our recommendation to the committee.

Mr. WALKER. Our $1.1 billion is based upon going through program by program and looking at what we think can be sustained in terms of cuts over a period of time. We took the sensible approach to it. Certainly the Secretary, in dealing with that $1.1 billion, can decide that they want to spend less money in the national labs, and that may be one of the approaches that they want to take. We do not prevent them from doing that, but we do not mandate a system that goes down through and says at least 3 percent of the reduction has to be in 1 year, 6 percent within 18 months, 10 percent within 2 years, 15 percent within 30 months.

I mean that is not giving any latitude. That is in fact taking an approach that may or may not produce the results that assure that the national labs remain as a strong science asset for the country.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to respectfully oppose the gentleman from New Jersey's amendment to essentially do an

across-the-board cut in national laboratory staff of one-third. I want to say at the outset that there are two national laboratories in New Mexico, but these two national laboratories fall jurisdictionally more on the military side of funding and would not be affected by the gentleman's bill, and I emphasize that to point out that my particular State would not be affected by the bill if it does become law. However, I want to emphasize that I think it is a mistake to come forward with the idea of a one-third across-the-board cut.

I would say that my colleague from New Mexico, Mr. RICHARDSON's amendment is a better approach if we have to act in this bill. However, I believe that both are unnecessary. It is my view, Mr. Chairman, that every agency, and every program, funded by the Federal Government does indeed have an obligation to look to see how it can operate more efficiently, more effectively, and in a better way for the taxpayers, and nobody is exempt from that, not the national laboratories, including the national laboratories that are in New Mexico, as far as that goes, but an across-the-board cut is not based upon any finding of there is a more efficient way of doing things.

It is true that the Galvin Commission estimated that perhaps the national laboratories could be reduced by one-third in personnel, but he was talking about specific personnel in specific places, and even then only if certain management changes were made from the point of view of the Department of Energy. So it is a process that we should work at deliberately and identify those positions which might be reduced and not be arbitrary about it for the national laboratories or any other program.

I want to say also that in the Committee on Science we are working on this issue. I have a bill introduced, H.R. 2142, which attempts to set out missions for the national laboratory and an obligation upon the Secretary of Energy to refine those missions, to assign them to appropriate laboratories to avoid duplication of process where it is not necessary and to try to achieve maximum efficiency.

There are other bills that would set up, for example, a military BRAC type of closure board to examine national laboratories for closure. I do not agree with those bills, but at least a closure board would be looking individually at laboratories and would not be an across-the-board cut either.

I think an across-the-board cut is bad policy. I think we can stay within a bald budget, which is our necessary economic goal, without doing so, and I would, therefore, urge rejection of the Roemer amendment.

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, let me put in perspective what we are doing here.

The gentleman from Indiana's amendment cuts the civilian labs by 33 percent. My amendment cuts by 15 percent but is consistent with the Department of Energy's cost-cutting measures.

Now I do not think Members of Congress would want to get on record against reductions and, perhaps, wastes that already are taking place, and I would like to just simply read some of the labs that would be affected under Mr. ROEMER's amendment.

Argonne National Laboratory, University of Chicago; Brookhaven National Laboratory, Upton, NY; Idaho National Engineering Laboratory; Laurence Berkeley Laboratory at the University of California; Oak Ridge National Laboratory; the Pacific Northwest Laboratory; Ames Laboratory; Continuous Electron Beam Accelerator Facility; Fermi National Accelerator Laboratory; National Renewable Energy Laboratory; Oak Ridge Institute for Science and Education; Princeton Plasma Physics Lab; Savannah River Tech Center; Stanford Linear Accelerator Center; Bettis Atomic Power Lab; Energy Technology Engineering Center; Environmental Measurements Lab; Inhalation Toxicology Research Institute; Knolls Atomic Power Lab; Lab of Biomedical and Environmental Sciences; Lab of Radiology and Environmental Health; National Institute for Petroleum and Energy Research; New Brunswick Labs; and Savannah River Ecology Lab.

□ 1545

What I just want to do, Mr. Chairman, is say this. My amendment is consistent with what DOE is doing. They do not want to cut 15 percent, but we, through the strong efforts of many on the majority and minority, are saying "We do not have the money anymore. You have to do more with less."

If we go beyond the 15 percent, we are cutting science, we are cutting the future. I agree with the chairman, the gentleman from New Mexico [Mr. SCHIFF], and the gentleman from Pennsylvania [Mr. WALKER], we should not be doing 30 or 15 percent. We are not scientists. I think we have to make good science decisions with good budget decisions.

My amendment is supported by the administration. I hope that is not the kiss of death with everybody here, but if they vote against my amendment at 15 percent, Members are voting against even cutting what the labs are already doing. I know this is an authorization effort, and it requires a lot more study. I think this Committee on Science has done a good job. The bill of the gentleman from New Mexico [Mr. SCHIFF], I support it, too. However, I am here sort of as a fireman to try to stop a cut by one-third that some very respected Members of Congress are offering that are going to cut 14,000 jobs, and that I do not think is good science.

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

Mr. RICHARDSON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I have always had a great deal of respect for my good friend, the gentleman from New Mexico. I did not know it was possible to get 10 minutes to speak on his same amendment. He has a lot more power than I gave him credit for. I have even more respect for him.

However, the point that the gentleman is making by reading the list of national laboratories is one of the points that I make, in that not every one of those is going to be affected. There could be two of those that are affected by cutting out different personnel and making better efficiencies in our national laboratories that even you admit should be done.

The second point is we are all proud of the Nobel Prize winners that are being announced, and so many of them from America. So many of these Nobel Prize winners are also from our private laboratories and our private universities. This bill seeks a better partnership and cooperation with our laboratories and universities, the University of Chicago and other schools.

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

Mr. RICHARDSON. I yield to my good friend, the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the gentleman is saying that what he is presenting to us is the position of President Clinton?

Mr. RICHARDSON. I am offering an amendment, Mr. Chairman, at the request of the Department of Energy that says we can live with 15 percent over 5 years. We are going to be doing that as part of the mandates by Congress, but if we go beyond that, at 30 percent, then we are cutting science, we are cutting 14,000 people. It is a meat-axe approach.

Mr. ROHRABACHER. If the gentleman will continue to yield, Mr. Chairman, I would ask, his figures are consistent with the President's request?

Mr. RICHARDSON. The President is 25 percent higher. The President's budget request is 25 percent higher. What my amendment does is cut it by a certain percentage; as I said, 15.

Mr. ROHRABACHER. What the gentleman is saying is we should be supportive of his position because his numbers are closer to what the President would request on this item?

Mr. RICHARDSON. Let me say that I am told that Secretary O'Leary has

agreed to 10 percent, and I believe the 15 percent is a goal that most likely can be achieved, by balanced budget provisions or otherwise.

Mr. ROHRABACHER. Mr. Chairman, those of us who are not in support of the President's position would be opposed to the gentleman's amendment.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are having a healthy discussion this afternoon about the role of the national laboratories. We need to have this discussion, and actually I think this first amendment here is going to flesh out a lot of the feelings and points that Members need to make with respect to this issue, and probably avoid a lot of discussion in the later amendments. I want to back up just for a moment, though, because I have become so sensitive since I became a Member of Congress to how the use of words can confuse people.

I want to go back to what our distinguished chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], said in the well just a few minutes ago when he was talking about Bob Galvin's recommendations and the Galvin report when he used the word privatization.

I just want to point out that the word "corporatization" is what Bob Galvin used time and time again in the Galvin report. Privatization has a different meaning to a whole lot of different people. I do not want anyone thinking that the Republican chairman of the Committee on Science recommended privatizing our national laboratories based on his use of that word a few minutes ago. Corporatization is a different approach. It is not selling off the laboratories. That is not what Galvin said.

Let the record be clear, that is not what the chairman of the committee, the gentleman from Pennsylvania, just said. I want that pointed out. There are so many people that take words and use them, that the "Republican majority is trying to privatize." No, corporatization means private contractors manage. We have that right now across the country. It is more efficient, wherever it can be properly applied. Let us not abuse the word privatization.

Mr. Chairman, I do want to identify myself with the comments from the distinguished chairman of the Subcommittee on Basic Research of the Committee on Science, the gentleman from New Mexico [Mr. SCHIFF], on his bill, H.R. 2142, which I do support, which redefines the missions of our Federal laboratory system in the post-cold war era. I support that concept, and it really does not line up with the proposals that are before us in these next three amendments.

Mr. KLUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Richardson amendment. Let us make it very clear, there is a clear distinction, I think, obviously to anybody who looks at the choice in these amendments, between the amendment offered by my friend and colleague, the gentleman from Indiana [Mr. ROEMER], and myself, and the gentleman from New Mexico [Mr. RICHARDSON]. The amendment of the gentleman from Indiana says the Department of Energy will cut 30 percent. The amendment of the gentleman from New Mexico [Mr. RICHARDSON] says we will set up a committee that may recommend that we may cut 15 percent, if the Secretary thinks it is a good idea.

So we have a clear choice. It is pretty easy. Either you think the DOE labs should be shrunk and you want to make a 30-percent cut, or you think we need another commission. That is the one thing Washington has more of than we have national energy labs at this point.

We have had two studies done on the DOE labs in the last year. The first, the Galvin Commission, which we have talked about, says in one of its earliest conclusions, "The National Labs should be downsized." That is what the commission we set up to review the DOE labs said. That is the conclusion, downsize the DOE labs.

A few minutes ago the gentleman from New Mexico [Mr. RICHARDSON] shrunk in horror when he said, "You know, the result of this could be that we may close one of them if we force them to close 30 percent." What a horrible idea. They are scattered across the country.

What else did Galvin say? It says, "The existing budget of the National Laboratory system exceeds that required to perform its agenda in the areas of national security, energy, environment, and fundamental science." In other words, we have more labs than we have work to do at the laboratories. That is the very condition and the very conclusion, downsize because we do not have enough work to do.

"It is unrealistic for these institutions to attempt to retain their current size by laying claims to new missions." In other words, if we do not have enough work to do at the laboratories already and we have excess laboratories, we will just think of new things for them to do. One of the new things, frankly, is to get involved in industrial policy and advanced technology.

To the credit of the gentleman from Pennsylvania [Mr. WALKER], I think he has been absolutely right on point on this issue, that when the Federal Government is involved in science, it should be involved in basic science. One of the things he has done, and sent a very strong message in this bill and his other work in the committee, is to get away from applied science and industrial policy and to get us into basic research.

If what we are going to do is to stay with basic research, we should define what that research mission is. If we are keeping labs alive essentially by creating industrial policy, that is a fundamental mistake. I am not making that up, the Galvin Commission came to the same conclusion: "Through downsizing, there may be opportunities in the future to convert one or more multi-program laboratories into institutions dedicated to only one primary mission."

The bottom line in all of this, Mr. Chairman, is the fact that we now have a series of laboratories stretching across the country largely created to help do defense research during the cold war. As that nuclear mission has shrunk, we only have two or three key laboratories, including that of the gentleman from New Mexico [Mr. SCHIFF] in his district, doing military-related research.

Unfortunately for a number of those other laboratories, we do not have missions for them today. I think the amendment of the gentleman from Indiana [Mr. ROEMER] and myself is exactly right, that when we do not have a mission, we should force the Secretary of Energy to make difficult decisions about which of those labs to keep open and which of those labs to close. Before we have to do that, fundamentally we have to decide what the core mission is going to be of the Department of Energy laboratories, so we can say "This lab does this, this lab does this, and this lab no longer has any business."

Mr. Chairman, we have to, I think, at the end of the cold war, make very difficult decisions about defense programs. We have made difficult decisions about which DOE labs belong in continuing to do that defense mission, but fundamentally we have to cut 30 percent of the spending, because we have to force closure of the labs, and in contrast to my colleague, the gentleman from New Mexico, I do not think that is a horror story. Frankly, I think for this Congress that will be a success story.

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

Mr. KLUG. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I would just like to state, first of all, the Galvin Commission said nothing about cutting the labs by a third. I do not believe the chairman of the Committee on Science is supporting the gentleman's amendment, nor is the minority. I think the decision should be made on science, on production, and on cost cutting. My amendment at 15 percent achieves all of those goals. I just want to point that out for the RECORD.

I want the gentleman to affirm whether I am correct. Does the Galvin

Commission support the gentleman's amendment?

Mr. KLUG. I do not think the Galvin Commission said whether it was a 15-percent or 30-percent cut. They recommended redefining the mission of the laboratories and appropriately downsizing. I agree with my colleague, the gentleman from Indiana [Mr. ROEMER], that we should be much more aggressive rather than timid in this area.

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

Mr. KLUG. I yield to the gentleman from Indiana.

Mr. ROEMER. Actually, Mr. Chairman, what the Galvin report said, I would say to the gentleman from New Mexico [Mr. RICHARDSON], was we should corporatize or privatize a host of laboratories. We are not in favor of that. The gentleman from Wisconsin, [Mr. KLUG], and I are saying they are a valuable resource.

Mr. KLUG. Reclaiming my time, actually, I am in favor of privatizing, but as an intermediate step.

Mr. ROEMER. I am sorry for stepping ahead to the gentleman's next amendment, but I am not in favor of that, and I think we should maintain those as a national resource and asset.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to start by saying that the gentleman from New Mexico [Mr. RICHARDSON] is probably a better advocate for the Secretary of State than he is for the Secretary of the Department of Energy.

I do think that there is a significant difference between these two amendments, as was pointed out by the gentleman from Wisconsin. On one hand, one requires a recommendation or a report, and that is the Richardson amendment. The other one, the so-called Roemer amendment, does require action.

I think that the downsizing is a topic that has often plagued the private sector in America. In my own area, Wichita, KS, where the Boeing Co. has recently gone from 24,000 employees to 15,000 employees, that is a significant downsizing. Other companies like IBM, they have also had to face downsizing. What has occurred through the process is the establishment of priorities: What is the company in business for, what is important to the stockholders, and how can they best serve those stockholders.

I think that the Roemer amendment does drive priorities by forcing a downsizing. I think that downsizing and the priorities establishment is something that has been lacking.

I want to say Secretary O'Leary is, I think, on the right track to some degree, which is demonstrated in the Richardson amendment when it talks about the functions of the Board, on page 3, is to help sharpen the mission focus of the Department laboratories. That is a very good thing to do.

However, the so-called Roemer amendment would be more effective in doing that because it does drive action for the reductions of 33 percent, so I think that most of us would prefer action over recommendations, and that is why I rise in opposition to the Richardson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] as a substitute for the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Roemer amendment.

The vote was taken by electronic device, and there were—ayes 147, noes 274, not voting 11, as follows:

[Roll No. 703]

AYES—147

Ackerman
Allard
Armey
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Callahan
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doyle
Durbin
Engel
Ensign
Evans
Everett
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hancock
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (RI)
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meek
Mfume
Miller (CA)
Minge
Montgomery
Moran
Nadler
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Roberts
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stearns
Stokes
Studds
Stump
Thompson
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOES—274

Abercrombie
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Ewing
Farr
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Markey
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stenholm
Stockman
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—11

Bass
Dornan
Fields (LA)
Kennelly
Moakley
Schiff
Tejeda
Tucker
Volkmer
Wilson
Zeliff

□ 1621

Mrs. MALONEY, Ms. HARMAN, and Messrs. DOGGETT, KENNEDY of Massachusetts, MOLLOHAN, THORNTON, and PARKER changed their vote from "aye" to "no."

Messrs. HANCOCK, ALLARD, and STEARNS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 286, not voting 11, as follows:

[Roll No. 704]

AYES—135

Allard
Andrews
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Brownback
Burr
Burton
Callahan
Camp
Cardin
Castle
Chenoweth
Christensen
Clayton
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cremeans
Cubin
Danner
Deal
Doggett
Doyle
Ensign
Everett
Flanagan
Foley
Fox
Frank (MA)
Franks (NJ)
Funderburk
Geren
Gilchrest
Goss
Greenwood
Hamilton
Hancock
Harman
Hayworth
Heineman
Hobson
Hoekstra
Hoke
Holden
Hostettler
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kleczka
Klink
Klug
LaHood
Largent
Latham
Laughlin
Lincoln
Linder
LoBiondo
Longley
Lowey
Luther
Mascara
McHale
McIntosh
Meehan
Metcalf
Miller (FL)
Minge
Mink
Montgomery
Myers
Myrick
Neal
Neumann
Ney
Norwood
Obey
Owens
Oxley
Parker
Peterson (MN)
Petri
Pomeroy
Portman
Poshard
Pryce
Radanovich
Ramstad
Reed
Roemer
Rohrabacher
Roth
Royce
Sabo
Salmon
Sanford
Scarborough
Schroeder
Shadegg
Shays
Smith (MI)
Smith (WA)
Souder
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Thornberry
Upton
Vento
Visclosky
Vucanovich
Waters
Watts (OK)

NOES—286

Abercrombie
Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barrett (NE)
Bartlett
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Buyer
Calvert
Canady
Chabot
Chambliss
Chapman
Chrysler
Clay
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cramer
Crane
Crapo
Cunningham
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Jones
Kelly
Kennedy (MA)
Kildee
Kim
King
Kingston
Knollenberg
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lofgren
Lucas
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Nadler
Nethercutt
Nussle
Oberstar
Olver
Ortiz
Orton
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pombo
Porter
Quillen
Quinn
Rahall
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sanders
Sawyer
Saxton
Schaefer
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stokes
Studds
Tanner
Tate
Taylor (NC)
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—11

Bass
Dornan
Fields (LA)
Kennelly
Moakley
Schiff
Tejeda
Tucker
Volkmer
Wilson
Zeliff

□ 1631

Mr. MARKEY changed his vote from "aye" to "no."

Mr. SAM JOHNSON of Texas, Mrs. LOWEY, and Messrs. STOCKMAN, PORTMAN, NORWOOD, UPTON, BURTON of Indiana, and COOLEY changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Speaker, on rollcall vote No. 704, it was my intention to vote "no". I was in the Commerce Committee's Medicare markup, and in my haste, I misconstrued the intent of the Roemer amendment.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. BONILLA) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1635

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1995

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 90, line 16, strike "$49,955,000" and insert "$121,265,000."

Page 90, line 17, strike "$43,234,000" and insert "$55,714,000."

Page 90, line 20, strike "$59,829,000" and insert "$112,186,000."

Page 90, line 22, strike "$45,535,000" and insert "$66,597,000."

Page 90, line 23, strike "$476,000" and insert "$1,701,000."

Page 91, line 3, strike "$1,994,000" and insert "$2,304,000."

Page 91, line 5, strike "$7,557,000" and insert "$6,295,000."

Page 91, line 7, strike "$12,370,000" and insert "$14,919,000."

Page 91, after 7, insert the following new paragraph:

(9) Fuels Conversion, Natural Gas, and Electricity, $2,687,000.

Page 91, line 13, strike "$55,074,000" and insert "$88,645,000."

Page 91, line 14, strike "$55,110,000" and insert "$109,518,000."

Page 91, line 15, strike "$112,123,000" and insert "$176,568,000."

Page 91, line 17, strike "$7,813,000" and insert "$31,600,000."

Page 91, after line 17, insert the following:

(5) Policy and Management—Energy Conservation, $7,666,000.

(e) FISCAL YEAR 1997.—There are authorized to be appropriated to the Secretary for fiscal year 1997 for operating, capital equipment, and construction, the following amounts:

(1) Energy Supply Research and Development Activities, $2,600,000,000.

(2) General Science and Research Activities, $950,000,000.

(3) Fossil Energy Research and Development, $220,950,000.

(4) Energy Conservation Research and Development, $230,120,000.

Page 93, strike lines 3 and 4 and lines 21 and 22; and redesignate the subparagraphs accordingly.

Page 103, line 24, strike "Unobligated" and insert in lieu thereof "Subject to further appropriations, unobligated".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent 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. WALKER. Mr. Chairman, this amendment essentially is an attempt to bring about where the authorization bill is in the energy area in line with where the Interior appropriations conference report has come in terms of numbers. So what we do in this particular amendment is align the 1996 authorization levels for fossil energy and energy conservation R&D with the levels contained in the 1996 Interior appropriations conference report. I think that solves the problems of a couple of Members who wanted to make certain that our authorization bill, if it passed, did not interfere with the arrangements that have already been made with regard to the fossil energy accounts in the present appropriations bill.

But beyond that, it needs to be understood that one of the reasons why we accepted somewhat higher levels than the original authorization bill called for in Interior appropriations was because there was a problem in terms of close-out costs and a number of other anomalies in the process that gave them a 1-year problem. So as a result, when the House committee came forward with its report, that is, the appropriations subcommittee, what they did was indicated that they would then look at a plan for downsizing these accounts over the years in the future.

I quote from page 80 of that report: "Those would be in line or be consistent with the recommendations of the authorization committee of jurisdiction as adopted by the House."

So it was our feeling that this whole arrangement is based upon the fact that, yes, for this year we are going to have to have numbers consistent with close-out costs and a number of other items.

But as we look out toward the next year, then we have to make certain that we get these accounts on a glide path toward a balanced budget by the year 2002.

So this amendment also contains 1997 spending figures which are consistent with the amounts of money that presently are in the authorization bill for 1996. In other words, what we have done is we have accepted the Interior appropriations numbers for this year, and then we have moved the bills' authorized amounts to next year, which means there would be a reduction next year over what is being spent this year, but it would still be considerably above what the budget recommendation called for. We think it does establish a glide path toward a balanced budget.

So I would say to my colleagues that if what you want to do is assure that in these authorized accounts we do get ourselves on the road toward a balanced budget and assure that we are going to get to a balanced budget by the year 2002, what you want to do is support this amendment. It does two things: Yes, for the moment it raises the authorized levels to the appropriated levels to conform our bill with what is coming along in the appropriations accounts, but for the future what it does is it assures we are on the glide path to a balanced budget beginning with the amounts that are put in the bill for next year.

I would urge you to accept this amendment, to assure that we do two things: make certain that we have sufficient authorization to cover the appropriations for this year; but, second, to assure that next year we are on the glide path toward a balanced budget.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sympathetic to the amendment offered by the gentleman from Pennsylvania, and I know he offers the amendment in an effort to make this bill a more acceptable bill and more in conformity with actions already taken by the Committee on Appropriations.

But let me indicate, in all honesty, some of my reservations about this, and they are probably nitpicking. We proposed earlier a couple of amendments which were aimed at doing essentially the same thing in other categories where the authorization is below the appropriation. The chairman, in his eloquence, and he is very eloquent, defended to the death the logic of maintaining our authorization in this bill substantially below both the House- and the Senate-appropriated numbers.

I understand that consistency is the hobgoblin of small minds, and the gentleman from Pennsylvania [Mr. WALKER] certainly does not have a small mind and, therefore, does not have to be consistent, but I raise that point just so that we will understand that on occasion we can be inconsistent and the result is not always bad.

In this case, his willingness to raise the 1996 figures for this category of energy R&D to the level already appropriated is commendable. Now, the other part of his amendment is not quite so commendable, because it then goes on to authorize for fiscal year 1997.

There are one or two places in this bill where we have 2-year authorizations, but it is not the pattern, and certainly not in this particular case. This is another technical inconsistency. I can understand that the gentleman from Pennsylvania [Mr. WALKER], in his desire to put his imprint as much as possible on the future, now wants to imprint his 1997 numbers, which he has not yet had a chance to do in the Committee on the Budget, onto this bill. I would prefer that he followed due procedure and waited until, as vice chairman of the Committee on the Budget, he can undoubtedly influence them to come up with these numbers, and then we could put it in another bill.

But, as I say, I am nitpicking here, because essentially I believe in 2-year authorizations, and I certainly believe that they should not be lower than the appropriations. So I take this opportunity to take advantage of it to point these things out and hope that the political dialog can be somewhat more rational as a result of it.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly commend our distinguished chairman of the full Committee on Science for this action.

What has happened here is that at our Committee on Science earlier this year as we did our work, the gentleman from Virginia [Mr. DAVIS] actually offered an amendment that said, and it passed the Committee on Science, that if the appropriators actually appropriated a dollar figure higher than the authorization that we were setting in place there, that we could increase these funds at that time, and this accommodates that desire.

As he knows, my friend from Pennsylvania, Mr. DOYLE, and I were prepared to offer an amendment, which is at the desk which I do not believe is necessary at this time, which would actually accommodate this, and the chairman saw this need to increase this funding up to that appropriated level in 1996.

I want to point out this keeps us within our budget caps, keeps us on the glide path to a balanced budget, something we can all agree must be done.

I commend the chairman for this action and support his initiative.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to commend the chairman of our Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], for his action in this amendment. But I would like to express some concerns about this amendment also.

First of all, I think it is wonderful in this amendment that we are going to match the authorization levels in this bill with those contained in the Interior appropriations conference report. It is what we talked about doing in committee. It is what we talked about during the Davis amendment, and I commend the chairman for raising those levels.

However, I do have some concern with the fact that we are going to authorize 1997 numbers today, and some of the concerns I have are with regard to the fossil energy program. It is my understanding that, under the chairman's amendment, that we would be taking fossil energy from $380 million down to $220 million next year, in 1997.

I would like to read from the House Interior appropriations conference report, which says:

The committee recommendation reduces fossil energy research and development funding about 10 percent below fiscal year 1995 levels. The committee intends to continue reducing this account by 10 percent a year for each of the next 4 years.

So it seems to me that the language that I read in the House Interior appropriations conference report calls for a gradual phasing down of the fossil energy budget by an amount of 10 percent a year over the next 4 years.

As I understand the chairman's intention, it is his intention to get that entire cut in next year's budget in 1997, as opposed to doing it gradually, if I understand the chairman correctly, and I cannot in good conscience support that type of a cut in a 1-year period.

I do support the conference report, which gets us there 10 percent a year over a 4-year period.

AMENDMENT OFFERED BY MR. DOYLE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WALKER

Mr. DOYLE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DOYLE as a substitute for the amendment offered by Mr. WALKER:

Page 90, line 16, strike "$49,955,000" and insert in lieu thereof "$121,265,000".

Page 90, line 17, strike "$43,234,000" and insert in lieu thereof "$55,714,000".

Page 90, line 20, strike "$59,829,000" and insert in lieu thereof "$112,186,000".

Page 90, line 22, strike "$45,535,000" and insert in lieu thereof "$66,597,000".

Page 90, line 23, strike "$476,000" and insert in lieu thereof "$1,701,000".

Page 91, line 3, strike "$1,994,000" and insert in lieu thereof "$2,304,000".

Page 91, line 5, strike "$7,557,000" and insert in lieu thereof "$6,295,000".

Page 91, line 7, strike "$12,370,000" and insert in lieu thereof "$14,919,000".

Page 91, after line 7, insert the following new paragraph:

(9) Fuels Conversion, Natural Gas, and Electricity, $2,687,000.

Page 91, line 13, strike "$55,074,000" and insert in lieu thereof $88,645,000".

Page 91, line 14, strike "$55,110,000" and insert in lieu thereof $109,518,000".

Page 91, line 15, strike "$112,123,000" and insert in lieu thereof $176,568,000".

Page 91, line 17, strike "$7,813,000" and insert in lieu thereof $31,600,000".

Page 91, after line 17, insert the following:

(5) Policy and Management—Energy Conservation, $7,666,000.

Page 93, lines 4 and 5, strike paragraph (29).

Page 93, lines 21 and 22, strike paragraph (41).

Redesignate paragraphs (30) through (42) on page 93 accordingly.

Page 91, at the end of section 303, insert the following new section:

(e) FISCAL YEAR 1997.—There are authorized to be appropriated to the Secretary for fiscal year 1997, for the purposes for which amounts are authorized under subsections (c) and (d), amounts which are 10 percent less than the amounts authorized under such subsections.

Mr. DOYLE (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.

□ 1645

Mr. DOYLE. Mr. Chairman, basically what my substitute amendment does is basically what the chairman does in his amendment; we raise the fossil energy and energy conservation levels up to the level in the Interior appropriations conference report. The only difference is for the year 1997, since we are doing a 2-year authorization, that we in 1997 authorize 10 percent less basically in accordance to the language of the House conference report which calls for a 10-percent reduction over the next 4 years. We just do that in 1997. It is basically the same as what the gentleman from Pennsylvania [Mr. WALKER] does, with the exception being we are authorizing a 10-percent reduction in 1997 versus a reduction from $380 million to $220 million.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it just seems to me we have got two alternatives in front of us: One alternative by the chairman, who basically is setting forth a proposal that we balance the budget. Again we are faced with another alternative coming from the other side of the aisle in which balancing the budget has no priority whatsoever.

While I have some questions about the chairman's original proposal, certainly this substitute basically takes away from the chairman's long-term goals, and I think they are supposed to be the long-term goals of this Congress, which is we will balance the budget within a reasonable period of time.

I remember during the early days of this session when the Republicans were challenged, people said, "We do not need a balanced budget amendment. Just do it. Just go ahead and do it."

Well, that is what we are trying to do. Over and over again, what we found is every time we try to do this, because the people said, "You do not need the balanced budget amendment, you can do it because you are the majority," when we try it, we get nothing but opposition from the other side of the aisle.

This is yet another example of how, when we are trying to balance the budget, not only can we not get a balanced budget amendment, but we cannot get a game plan to lead us to a balanced budget amendment.

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

Mr. ROHRABACHER. I yield to the gentleman from Pennsylvania.

Mr. DOYLE. Mr. Chairman, the gentleman is talking to one of the Democrats that voted for a balanced budget amendment. Raising this up to the authorization levels in the Appropriations Subcommittee on Interior is consistent with the House budget resolution asking for a 10-percent reduction.

Mr. ROHRABACHER. That is what the chairman is doing.

Mr. DOYLE. I agree with the chairman. The chairman and my amendment are similar in that respect. We both agree with that. Where my amendment differs is I am using the report language in the Interior appropriations conference report. I read it verbatim.

It is my impression that the members of that conference and the chairman of the House Appropriations Subcommittee on Interior are also committed to balancing the budget. I think I am just reading the language, not from any Democrats; I am reading the House conference report, which is Republican language and is consistent with what your Interior appropriations chairman has said, which is we will reduce these accounts 10 percent a year over the next 4 years.

We are committed to reducing these accounts. It is just that the gentleman from Pennsylvania [Mr. WALKER] proposes to do it in 1 year. We propose to do it over a 4-year period, both consistent with balancing the budget. I appreciate the gentleman's comments, but I wish the gentleman would not characterize it as us not wanting to balance the budget.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, it seems every time we come forward with some proposal like this, there is some kind of objection. I think the gentleman from Pennsylvania, Chairman WALKER, just like the other members of the committee on the majority side, have made their commitment to try to do what we can to balance the budget. I personally

would go a lot further than what the gentleman from Pennsylvania [Mr. WALKER] has, but he wants to be responsible and try to make sure everybody can vote for this, and he is letting DANA ROHRABACHER be the radical here. But the fact is I would even be more strenuous in cutting down the budget than the gentleman from Pennsylvania [Mr. WALKER]. He is being frugal, but not irresponsible. Now what we find is even a frugal approach is being rejected by the other side of the aisle.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have an interesting series of arguments going on. On the one hand, we have the ranking Democrat on the committee arguing that these are somehow my figures, that I created these figures.

None of the figures we are dealing with here were created by this chairman. They were figures created by our committee. Our committee voted for the $220 million. They voted for the $220 not for next year, but for this year. That is the authorization level. That is what our committee decided to do, by a majority vote in our committee. We made that determination. These are not Chairman WALKER's figures; they are the figures developed as a part of our consensus process.

Now, the fact is that as we move forward, that the Committee on Appropriations said there are a number of contracts and all kinds of problems in keeping with that figure for this year. We have decided to agree with that, that in essence that for this year we will accept that figure. So we are giving them the authorization numbers that they need in order to comply with contractual arrangements and a number of other anomalies within the process.

Now, what they wrote in their report was if there is no authorization figure, that their intent is to go at 10 percent a year. That is what the Committee on Appropriations decided to do. The authorizing committees, it may surprise some people to find out, have some authority in all of this, too, and in fact that was recognized in the report. What they said was they would agree to a plan for getting to a balanced budget that was passed by the House as an authorization plan. What we are trying to do here is to do exactly what the report asks us to do.

I realize there are people that would decide that they do not want to go that far, that they do not want to actually get us toward a balanced budget. Ten percent a year does not get one anywhere close to a balanced budget. The fact is that this year's number is within the context of the balanced budget.

But I do not think there is anybody who analyzes this and suggests that doing 10 percent a year over the next several years gets to a balanced budget.

So what we are trying to do here is make certain that we are taking an approach that recognizes what needs to be done this year, but, beginning next year, moves us on to that glidepath for a balanced budget.

My colleague from Pennsylvania has decided he does not want to do that. He wants to go to the overall figure. He wants to do 10 percent a year. He is about $270 million out of whack with me. He wants to spend $270 million more than I do and call that a balanced budget approach? Fine, It is not. It does not get anywhere close to a balanced budget. It is, in fact the antithesis of a balanced budget, and it is the kind of thing that we cannot permit to have happen on a regular basis if we are going to meet the conditions that we have set forth.

So I would ask the House to reject the Doyle substitute. The Doyle substitute is, in fact, going the opposite direction from what we have to do. It takes these high figures from this year and uses them as a base off which to continue spending at levels that are much too high to get to a balanced budget.

I do not think that is the route that the House is going to take. It seems to me we want to get down to doing two things: We want to make certain that, as in the original Walker amendment, that we make certain our authorizations come to the appropriate numbers. But, second, we want to make certain that beginning next year, we get on the glidepath to the balanced budget that supposedly everybody is for. But it is always amazing to me, Members say, "I voted for a budget amendment, I am for it." Fine. What did they vote to do to discipline yourself to actually get to one? That is what we are enacting in the House today.

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

Mr. WALKER. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, just to clarify then, now in 1996 the gentleman's amendment ups the amount to the full appropriated amount?

Mr. WALKER. Mr. Chairman, reclaiming my time, absolutely.

Mr. WAMP. Mr. Chairman, if the gentleman will continue to yield, in 1997 is it not possible we could reauthorize again next fall?

We are talking somewhat semantics, to reauthorize into the future. I understand the gentleman wants the stakes to be set in the ground. The fact is the appropriators are also going to have a voice in what we spend in 1997 as well.

Mr. WALKER. Mr. Chairman, reclaiming my time, they continue to have that voice. They did say in their report they would respect the authorization levels set by the House. I think that presents us with an opportunity and, in my view, an obligation to then give our best wisdom about how we move in that direction. With this amendment, what we are trying to do is meet that obligation and utilize that opportunity.

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

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. DOYLE. Mr. Chairman, this is the point I am trying to make.

It is my understanding that what the chairman wanted to do today is in effect lock us into a number, today, for next year's authorization. If I would vote for the gentleman's amendment, what I am in effect voting for is not only to raise these levels up to the Interior, but I am also locking myself into saying I will vote for $220 million for fossil energy next year.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. DOYLE. Mr. Chairman, if the gentleman will continue to yield, what I would like to see us do as the Committee on Science, No. 1, no member of the Committee on Science voted to authorize for 1997. We talked about 1996. That is what the vote was in the Committee on Science.

We said if additional moneys were found per the Davis amendment and per the gentleman's speeches here, too, we would authorize at higher levels. We found additional money. The appropriators gave us additional money, and we are upping it. Now we are going to say for 1997. No member of the Committee on Science voted only 1997 authorizations, as the gentleman tried to state. We are going to state today we are going to set 1997 authorization levels, and we are all going to be honor bound by that. I would expect the gentleman would intend to hold us to that.

Mr. WALKER. Mr. Chairman, reclaiming my time, the House Committee on Science did vote for the $220 million per year for 1996, and we have simply extended that over to 1997, having gotten the new moneys.

I would say as chairman, that I have fulfilled the obligation that the committee gave me. If additional moneys were found, we were supposed to move ahead with it. I have done that, but we are now going to go to what the committee decided it wanted to do with the $220 million.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rising in support of the substitute amendment we are considering here and take issue with some of the statements which the chairman of the committee has made.

This has been a controversial area within the committee, because despite the chairman's protestations that these numbers have been arrived at by

full and fair discussion in the committee, and so forth, the committee began the year with a memo from the chairman to the subcommittee chairmen telling them how much they could authorize within their subcommittees and asserting this was their 602(b) authorization number.

I think we all know that there is no such thing as a 602(b) authorization level for authorizing legislation. The process does not exist. The 602(b) process applies to appropriation bills only, and in fact the budget resolution applies to appropriation bills only, not the authorization bills, and the chairman knows this full well. But I sometimes suspect he thinks by talking real fast that people will think that he is saying something that is real important when it really has no basis in fact or law, and I regret this.

Mr. Chairman, I rise in strong support of the Doyle amendment to raise authorization levels for the fossil energy and conservation research and development activities of the Department of Energy. At a time when the United States is extremely dependent on foreign oil, the Congress should not move to slash research and development efforts in fossil energy and conservation.

I drove to work today in a car; I dare say most of us did. Figuratively speaking, half of the gas in my gas tank came from foreign countries. Do I want my grandkids to depend on foreign resources and to have the geopolitical problems that go along with them? Investment in R&D now will pay off later in increased energy conservation and less developed energy security problems. In 20 years, American auto manufacturers might be selling cars that are powered by renewable fuels or perhaps fossil resources will be increasingly produced domestically with enhanced recovery technologies. We cannot know now what the future will bring. However, we can be sure that with less R&D in these areas, the future will not bring as much innovation and discovery and that the American public will be poorer for it.

If we cut R&D, we will balance the budget but leave an investment deficit for our children. It simply doesn't make sense to stymy long-term investment in knowledge and discovery that can solve future fossil energy and energy security problems.

I urge my colleagues to vote for the Doyle amendment.

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

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman knows that the chairman has never contended in any way, shape or form that what he did in allocating 602(b)'s had any authority in law or the rules of the House. The chairman made the decision that that was the way he was going to run the committee.

The gentleman from California, when he ran the committee, ran it in a different way. He never gave his subcommittee chairman any caps. That was his choice. My choice was to try to exercise some degree of responsibility. I know the gentleman does not agree with that, but the gentleman has never stated anything that was not factual in that regard.

I simply stated from the beginning that this committee was going to operate in a sensible manner that lived within the budget restraints that this House had voted on itself. I know the gentleman does not agree with that, but the gentleman did not agree with the budget in the first place.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, I am very pleased that the chairman has made this clarification, and he has stated that there is nothing in law or in the Budget Act that allows him to proscribe a number like he did.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I am allowed to do it as chairman of the committee. It is not a matter of allowing. The gentleman is suggesting that there is nothing in the rules or in law. I am agreeing with the gentleman. As chairman of the committee, in consultation with the subcommittee chairmen, I am certainly allowed to do that. It is certainly something that we can do as a committee to be responsible. The gentleman does not like it, but it does not mean we are not allowed to do it.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, I think this is a useful dialog, and I enter into it in good spirits because I have the greatest respects for the chairman, and the gentleman will recall that I have frequently praised him for the discipline and the leadership which he is giving his side of the committee, and I think he is setting new standards.

It is not the style I am accustomed to. I preferred a much more collegial way of operating. I was unaware, frankly, of the extensive deliberations that the gentleman claims he was had with the subcommittee chairmen in which he reached these numbers.

Now, that is the way the appropriators work. I assume the gentleman is saying he is following a similar process in the authorizing committee. I do not condemn the gentleman for that. I think that this is an interesting innovation, and I hope it works. But the gentleman is not very consistent.

The gentleman has just proposed an amendment which extends the authorization for an additional year, and, to the best of my knowledge, the gentleman has not brought this before the committee, either the minority or the majority, staff. The gentleman has unilaterally picked this number because in the gentleman's opinion, it coincides with the budgetary glidepath necessary to balance the budget.

□ 1700

Mr. WALKER. Mr. Chairman, again, if the gentleman would yield, I did not arbitrarily pick a number. I took exactly the numbers that the committee has approved for 1996. I took the numbers that the committee reported for 1996 and put them in 1997, and so it is no arbitrary number.

Mr. BROWN of California. That was not my contention, that the gentleman has not picked the number that we approved for 1996. My contention is the committee never approved it for 1997.

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

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. DOYLE. Mr. Chairman, I think that this is the point I am trying to make and I would make to every Member of this body. We, as a Science Committee, have not met to discuss authorization levels for 1997. We are going to abdicate that today by taking the 1996 numbers and say, "Let's use them for the 1997 numbers." Now, we may well end up there when we sit as a committee and decide authorization levels, but we ought not to do it today. I would like to do it in committee.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, I continue to yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I would say to the gentleman that we have an open-rule process. The gentleman was going to bring his own version of reality to the floor. As chairman of the committee, I am not precluded from bringing my own amendment to the floor, and that is exactly what I have done. I have brought an amendment to the floor. The House can accept it or reject it.

Mr. Chairman, the amendment I brought happens to be consistent with what the committee already agreed to do in 1996, but under the open-rule process I would tell the gentleman this is something that I am perfectly allowed to do.

Mr. BROWN of California. The gentleman, if he will allow me to reclaim my time, I have never contended that he was not allowed to do that. He can project an amendment clear through to 2000 if he wishes. I am objecting to the fact that he is purporting to represent that this has been discussed in the committee and that he does nothing that has not been cleared by a democratic process in the committee.

Mr. WALKER. If the gentleman would yield, I never said anything of the kind. I said that this was approved by the committee as 1996 numbers. I never contended that I brought this matter before the committee. I brought it to the floor as my own amendment.

Mr. BROWN of California. Let us agree that we have a slight misunderstanding then.

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

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. DOYLE. Mr. Chairman, I would just ask the gentleman that, if we approve his amendment today, would he consider all members of the Committee on Science, those that vote for his amendment this evening, would sort of be honor-bound to stick to those authorization levels when we meet as a committee and discuss 1997 authorizations?

I am asking a question, if the gentleman would like to respond.

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

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, Members obviously do whatever they want to do. As my colleagues know, some days they vote one way, some days they vote another way. Members can make their decisions at a particular time. I would think that, if the people vote in a particular way today, and they have changed their minds tomorrow, that the voters might have a problem with that, but the fact is the Members can do whatever they want.

Mr. DOYLE. So we will not have to meet as a committee then. We will just authorize 1997 tonight and the Committee on Science does not have to have any more authorization meetings.

Mr. Chairman, I just do not think that is a good way to do business.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DOYLE] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOYLE. Mr. Chairman, I request a recorded vote and pending that make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

Pursuant to the provisions of clause 2 of rule XXIII the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following this quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their name:

[Roll No. 705]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
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 (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
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
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
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
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
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
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

□ 1724

The CHAIRMAN. Four hundred Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. DOYLE] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, without intervening business will be taken on the underlying amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 14, as follows:

[Roll No. 706]

AYES—173

Abercrombie
Bachus
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
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)

Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mink
Mollohan
Montgomery
Moran
Murtha
Neal
Ney
Oberstar
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Regula
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—245

Ackerman
Allard
Andrews
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
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
Collins (GA)
Combest
Conyers
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
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Emerson
English
Ensign
Everett
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Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
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Hilleary
Hobson
Hoekstra
Hoke
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Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
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Latham
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Laughlin
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Leach
Lewis (CA)
Lewis (KY)
Lightfoot
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Livingston
LoBiondo
Longley
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Lucas
Luther
Manzullo
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McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
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Miller (FL)
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Molinari
Moorhead
Morella
Myers
Myrick
Nadler
Nethercutt
Neumann
Norwood
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Packard
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Paxon
Peterson (MN)
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Pickett
Pombo
Porter
Portman
Pryce
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Quinn
Radanovich
Ramstad
Reed
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
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Salmon
Sanford
Saxton
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Schaefer
Schiff
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Sensenbrenner
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Smith (MI)
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Smith (TX)
Smith (WA)
Solomon
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Stearns
Stockman
Stump
Talent
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Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
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Torkildsen
Traficant
Upton
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Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—14

Bass
Chapman
Clay
Condit
Dornan
Duncan
Fields (LA)
Hunter
Kennelly
Moakley
Owens
Tejeda
Tucker
Zeliff

□ 1733

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

PARLIAMENTARY INQUIRY

Mr. BROWN of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of California. Mr. Chairman, first of all, I cannot hear the Chairman.

The CHAIRMAN. The gentleman is correct. The committee will be in order.

Mr. BROWN of California. Second, Mr. Chairman, I was on my feet seeking recognition to call for a roll call vote, as was the gentleman from Pennsylvania [Mr. DOYLE] on the last vote and we were not recognized, primarily because of the disorder in the House, I believe.

The CHAIRMAN. The Chair looked at both sides of the aisle for Members seeking recognition and did not see any Member seeking recognition, and moved to the gentleman from Wisconsin [Mr. KLUG].

Mr. BROWN of California. The Chair did not see me seeking recognition?

The CHAIRMAN. The Chair did not.

Mr. BROWN of California. Nor the gentleman from Pennsylvania [Mr. DOYLE].

The CHAIRMAN. The Chair did not see the gentleman from California nor the gentleman from Pennsylvania seeking recognition.

Mr. BROWN of California. For the RECORD I would like to state that I was seeking recognition, as was the gentleman from Pennsylvania [Mr. DOYLE].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Klug:

Page 104, after line 5, insert the following new section:

SEC. 313. PRIVATIZATION OF DOE LABORATORIES.

(a) SALE OF LABORATORIES.—Within 30 days after the date of the enactment of this Act, the Secretary of Energy shall publish in the Commerce Business Daily a request for proposals to sell all Department of Energy laboratories other than Los Alamos National Laboratory, Sandia National Laboratories, and Lawrence Livermore National Laboratory. The Secretary shall coordinate the process of review of such proposals, and shall oversee the transfer of such operations to the private sector.

(b) REPORT ON DISPOSITION.—If no offer to purchase property under this section is received within an 18-month period after a request for proposals is published in the Commerce Business Daily, the Secretary shall submit a report to the Congress containing recommendations on the appropriate disposition of the property and functions of such laboratories.

(c) PRIVATIZATION OF LAWRENCE LIVERMORE NATIONAL LABORATORY.—(1) Within 30 days after the date of the enactment of this Act, the Secretary of Energy shall begin the process of transferring national security and defense-related research from Lawrence Livermore National Laboratory to Los Alamos National Laboratory.

(2) Within 18 months after the date of the enactment of this Act, the Secretary of Energy shall publish in the Commerce Business Daily a request for proposals to sell Lawrence Livermore National Laboratory. The Secretary shall coordinate the process of review of such proposals, and shall oversee the transfer of such operations to the private sector.

(3) If no offer to purchase property under paragraph (2) is received within an 18-month period after a request for proposals is published in the Commerce Business Daily, the Secretary shall submit a report to the Congress containing recommendations on the appropriate disposition of the property and remaining functions of Lawrence Livermore National Laboratory.

(d) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary is authorized, to the extent provided in advance in appropriations Acts, to enter into contracts for research functions performed by the laboratories described in this section prior to their privatization. Contract authority for such research for any fiscal year shall not exceed levels appropriated for those research functions for fiscal year 1995.

Page 3, after the item in the table of contents relating to section 312, inserting the following:

Sec. 313. Privatization of DOE laboratories.

Mr. KLUG (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 Wisconsin?

There was not objection.

Mr. KLUG. Mr. Chairman, the Department of Energy maintains 10 major laboratories and 18 minor laboratories with a joint annual budget of approximately $6 million and a payroll of more than 50,000 employees. Earlier this year we received a critical report done and

headed by Bob Galvin, the former Chairman of Motorola and the so-called Galvin Report which took a close look at the future of Department of Energy labs across the country.

Mr. Chairman, earlier this afternoon we had an opportunity in this Chamber in an amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] to cut the DOE laboratory budget by 15 percent, and then in an amendment by the gentleman from Indiana [Mr. ROEMER] we had an opportunity to cut the DOE budget by 30 percent. We unfortunately failed in both of those efforts.

We have talked for some time in this Chamber, over the last several months in particular, led by the freshmen with the idea of dismantling the Department of Energy. Mr. Chairman, about 30 percent of the Department of Energy staff runs and operates something called the Power Marketing Administration, which is a collection of 130 dams across the country. Nearly another 40 percent of the Department of Energy staff works in running and operating and managing those 10 Department of Energy labs with a budget of $6 billion.

This amendment, based on testimony we heard in the Committee on Commerce earlier this summer, recommends that we dramatically move above and beyond the Galvin Commission recommendation and essentially says, within 30 days after the date of the enactment of this act, the Secretary of Energy shall publish in the Commerce Business Daily requests for proposals to sell all Department of Energy laboratories except Los Almos, Sandia and Lawrence Livermore National Laboratories.

The reason we need to do this, Mr. Chairman, quite frankly is, as we discussed earlier today in the deliberations to cut the Department of Energy lab budget, was the fact that many of these labs no longer have a mission. For example, the mission of Lawrence Livermore 40 years ago was to do 90 percent of its research on nuclear power research. Today we find ourselves with that same laboratory doing less than 40 percent of its research on nuclear defense research connected to the national defense of this country.

Now, Mr. Chairman, I note that there are a number of my colleagues here who will say you cannot move to privatization even though that is what the Galvin Commission recommended very strongly. But let me suggest that across the world, other countries have attempted to do that, and frankly, with a great deal of success.

In Britain, for example, the British Maritime Laboratory devoted to research and design on ship design and maritime structures was successfully privatized nearly 10 years ago. The National Engineering Laboratory in Great Britain, with a staff of 400 people dealing with the engineering of large structures such as oil rigs, was sold to a number of private investment firms just last year. The national physical lab, which does the primary meteorology research for the British government, was sold to a consortium of bidders including Laboure University. The Transport Research Laboratory was put up for sale as of August 31 of this year, and that deal will close at the end of 1995, and the AAE Technology Research Laboratory, which does most of the nuclear research for the British government, is going to be put up for sale in April of next year, although it is not clear whether it will be sold to a private firm or corporatized.

□ 1745

I know this will send shudders to a number of my colleagues who represent these laboratories and represent the employees. But with a mission I think largely now unfocused at the end of the cold war, with dedicating three very specific laboratories across the country to doing national security work, and with moving to privatize the other seven laboratories, I think we have managed to preserve that infrastructure but get those employees off the public payroll and allow them to do what they are beginning to do anyway, which is to move away from the kind of classic nuclear research, defense industry program that these laboratories have been engaged in for years and instead shift to a number of industrial technology research programs which those labs have embraced as a new way to define their mission into the future, now that the defense programs have all been evaporated underneath them.

In that case they can do research on energy, they can do research on environmental technology, on advanced technology for manufacturing. I think those are all appropriate missions, but I would suggest to my colleagues those are missions better served in the private sector rather than in seven government laboratories largely constructed and funded and developed over the years to do arms research for the United States military.

Mr. Chairman, I realize this is a bold move, but it is a move I think frankly that many of my colleagues in the Committee on Commerce endorsed. It is based on a hearing we had in the Committee on Commerce earlier this year.

I would like to close, if I might, with a quote from a colleague of mine on the CATO Institute who pointed out to say: "The principal organizational recommendation of this task force, the Galvin Commission, is that the laboratories be as close to corporatized as is imaginable. We are convinced that simply fine-tuning a policy or a mission, a project or certain administrative functions, will produce minimal benefits at best."

If colleagues are serious about cutting back on the $6 billion we now devote to the Department of Energy facilities, if we are serious about moving away from a cold war mission, and if we are serious about preserving those laboratories but doing it without taxpayer subsidies which can no longer be justified, I would urge my colleagues to support this amendment to move toward the sale and the privatization of 7 of the 10 DOE labs.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

I have a question for the maker of the amendment. If he would, I would like to know the comparative budgets. You have excluded Los Alamos, Sandia, and Lawrence Livermore. What is their budget compared to the total budgets of those which you would sell?

Mr. KLUG. If the gentleman will yield, I am looking at staffers to try to determine that. I cannot tell you. But the reason we focused on those three primary labs is because they are still dedicated and devoted to national security purposes. That is the core principal for the original organization of the DOE labs. As the Galvin Commission pointed out, those other seven labs have poorly defined missions at this point, and that is why we zeroed in on those for the privatization efforts.

Mr. DEFAZIO. Reclaiming my time, I hope before the end of this debate we can get those numbers. I think that the serious money in the Department of Energy, if you look at the Department of Energy budget, it is not any more dedicated to energy independence and conservation of resources in this country. It is dedicated only to nuclear weapons production against a lot of enemies that no longer exist. These three labs get the lion's share of the money.

Things that would make America truly competitive in the next century, like solar energy research, research conservation, we are gutting and doing away with. During the Reagan years,

we sold all of our solar energy division here in Washington, DC. We privatized it. You know who bought it? Seimens, the Germans. Now what? They are the world's leader in solar energy technology. The United States is far, far behind.

So we are going to unilaterally disarm, that is, give up any research that makes America more competitive in the international energy markets, international energy wars, but we are going to keep on building hydrogen bombs that we do not need when we have already got 10,000 of them. So the gentleman here, it looks good on the surface, but I wish the gentleman would do away with the obsolete nuclear weapons laboratories, ones that are building hydrogen bombs, and save the real money as opposed to picking on the things that have a real product, research for the civilian sector, research that makes this country more competitive in the international marketplace. It is an ill-intentioned amendment from that direction since it does not go after the big bucks.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to this amendment. I am the chairman of the subcommittee that would have dealt with this bill had this bill been submitted in the proper way. The fact is that I am very sympathetic with the goal that the gentleman from Wisconsin [Mr. KLUG] has in mind here. Had we had a chance to look at it and to examine the issues and examine the figures and the facts, I might be standing today in partnership with the gentleman from Wisconsin [Mr. KLUG] in support of this amendment. But we do not know. In fact, there were hearings on various bills that were aimed at privatizing laboratories or reforming the laboratory system and the bill of the gentleman from Wisconsin [Mr. KLUG] was not included because it was not submitted to us. Thus for all we know, there could be some unintended consequences that we have not looked at.

So whereas I am always open-minded to try to find ways of privatizing government services and seeing how we can do this, I would have to be in opposition to this particular amendment at this time. I would hope that the gentleman from Wisconsin [Mr. KLUG], if this loses in a vote on the floor, would not give up but instead resubmit this and submit to the committee and I would be very happy to bring this up at the earliest possible time.

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

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

Mr. KLUG. I want to thank my colleague from California for his willingness to work on this. I think it is the intention of both members of the Committee on Science and also the Committee on Commerce to get to that point in serious discussions next year.

To answer briefly my colleague from Oregon, if I might, of the $6 billion programmed for the national energy laboratories, roughly $2.5 billion still goes to nuclear weapons research. The balance is spread among a wide array of programs. But again I think what we need to do is to figure out as we talked about on privatizing other areas, that what we should do is figure out a way to move these forward, allow the Secretary to develop individual strategies perhaps to corporatize some and privatize others and to see quite frankly what interest is out there in the private sector because I am convinced these are a national treasure that we can preserve, be run and operated by the private sector and at the same time preserve the technology for important science and technology programs.

Mr. ROHRABACHER. Reclaiming my time, I would just say that I agree with that goal. I agree totally with that goal and that may well be achievable. I would like to try to proceed and to study that issue and let people on both sides of the aisle have their say and examine it as it should be examined. In terms of the amount of money spent on energy research, let me just say, to correct my friend, this bill is about $6.5 billion of non-defense energy and environmental research. That is what this is about. So I do not think that that is low-balling this issue. I believe that $6.5 billion spent by the Federal Government on energy and environmental research is a good sum of money. Our job is to make sure it is spent properly. Some people may want to spend more money, but we should at the very least prioritize and make sure that the very most effective and promising sources of energy and environmental technology are funded. That is what this is all about, when we are trying to balance the budget, to find that particular project, rather than funding all the projects or cutting all the projects by 10 or 20 percent, find those projects that are most promising and fund those and come up with creative ideas like we just have.

Mr. BAKER of California. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. BAKER of California. Let me just speak in behalf of our national treasures that we are cutting. The Livermore and Sandia labs and the other labs in New Mexico as well as California are cutting. This year the laboratory in my district, Livermore Lab, is cutting $46.4 million. That is a lot of jobs, a lot of scientists, a lot of science.

Are we afraid of the future? Are we afraid of looking forward and saying, is there an alternative to burning coal and burning oil? Do we need nuclear fusion? Without the national ignition facility which has just been proposed by the Energy Department, Livermore was selected as the site because of their laser capability. Without it, we are going to have to go back to nuclear testing. France is fighting that battle now and losing. We are not going to do that.

The national ignition facility allows us to keep our stockpile fresh. It also allow us to keep out stockpile fresh. It also allows us to study nuclear power. We are not afraid of the future. We are going to manage our $6 billion and we are going to downsize the laboratories because the need for nuclear defensive laboratories is waning. But we want to be prepared for China, we want to be prepared for the next empire and the laboratories are doing that for us.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment and I would like to say just a couple of things about why. I do not have a national lab in my district, but I have a very great interest in the national labs because, like other Americans, I believe that science and research really holds the key to our economic future as a country.

I think it is important to outline what the Galvin report did say and did not say. The Galvin report never said to put our national labs up for sale. In fact, when Mr. Galvin testified before the Committee on Science, that question was posed to him. He said that that was not a good idea, that it was impossible to imagine who would have the money to bid on these labs.

What the Galvin report suggested was a different type of management structure for the labs. Actually it is an issue that I think, as the gentleman from California [Mr. ROHRABACHER] has said, deserves additional analysis and study. I for one believe it is something that we ought to explore, but never once did Mr. Galvin suggest that the national labs go outside of the ownership of the Federal Government. I think the concept of selling the national jewels is one that ought to be rejected.

Finally, I would like to note that the complex arrangement of some of these labs, for example, the linear accelerator at Stanford University is not readily susceptible to a bid as is suggested in the amendment. I would say in closing that the only people who have lobbied me to eliminate our investment in the labs are foreign companies. Our economic competitors have lobbied me to cut the labs. No one else in America has.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, I rise in support of the Klug amendment to

privatize the Department of Energy laboratories. Congressman KLUG's amendment would privatize the DOE laboratories, encouraging private sector innovation and competitiveness, much like we did in the dismantling of the Department of Commerce act, H.R. 1756.

By privatizing the laboratory functions of the DOE, we will encourage these newly privatized entities to produce and sell their services more widely. By removing the nonessential research and development functions and the means of production from the Federal Government labs, we will now produce on the basis of demand, and in turn spin off other industries, creating jobs and providing increased revenues for the Nation.

Speaking from firsthand experience, the private sector entities have always proved to be more efficient and accountable, and if they are not, they would go out of business. Federal programs, on the other hand, such as the DOE labs, are simply not held to the degree of accountability that private sector labs are. Instead of going out of business, as would be the case in the private sector, Congress merely passes the cost on to the taxpayers.

Mr. BARTLETT of Maryland. Mr. Chairman, reclaiming my time, I think that the spirit of this amendment is supported by many people on both sides of the aisle. That spirit is that we really need to look at these national labs because some of their missions have changed. We are in a post-cold-war era. That does not mean that we are in a really safe world. I am not sure this is the best way to approach that problem, but I wanted to take just a moment to focus on one of the things that our labs are doing which I think is very important for our future.

Mr. Chairman, first I want to commend my committee chairman, Mr. WALKER, for this sensible approach to consolidating U.S. civilian science research and development programs into an omnibus bill. I believe that this approach elevates civilian science R&D and its contribution to our national security.

It is a sound precedent for prioritizing national science programs.

As we consider H.R. 2405 and our priorities in science policy, I urge my colleagues to reflect on the importance of these science programs.

I am particularly interested in alternative energy research programs. Just as it is irresponsible to saddle our children with the national debt we have created, it is irresponsible for this Nation not to develop clean, safe alternative energy sources for future generations.

Harnessing fusion power is the most challenging and ambitious scientific endeavor ever undertaken by man. Not only is fusion one of very few long-term energy options for the future but it is at the cutting edge of scientific research and technology. This country must not lose sight of the importance of scientific research, especially research that has such a tremendous payoff.

Steady progress continues in demonstrating the scientific and technological feasibility of magnetic fusion power as a viable long-term energy supply system. I realize that all programs must be tailored to more closely meet today's budgetary constraints, and this bill does not responsibly.

However with additional funding cuts we would forfeit our ability to develop a technology that holds great promise for our Nation's economic and environmental future.

I thank my colleagues on the Science Committee for their attention to alternative energy research and urge support for the civilian science programs in H.R. 2405.

□ 1800

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was rejected.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE:
Page 94, strike line 6.

Ms. FURSE. Mr. Chairman, I rise today to offer an amendment to strike a very punitive provision in this bill. That provision would eliminate last year's funding for a vital program in Oregon. This program has just begun. It is relying on a grant from the Department of Energy.

Mr. Chairman, I want to take just a few minutes to describe this program so that the Members will know exactly what it is that is being terminated. The Biomedical Information Communication Center is the backbone of Oregon health sciences rural network. This network provides information, education, and diagnostic services to health care providers and citizens throughout the State of Oregon. Through its innovative, 21st century information system, student practitioners can be educated and trained on the spot in their hometown communities. This allows isolated towns to retain health personnel in their area. Rural doctors are able to obtain information on the latest research in medical techniques via the network.

For example, if there were an injured logger in a rural, remote area, his x-rays can be transmitted electronically so that doctors hundreds of miles away can treat the patient. At a time when we are celebrating the many potential benefits of the information superhighway and are exploring ways to upgrade health and medical services to rural populations, this communications center will put innovative ideas into practice.

Mr. Chairman, a 1-year grant was approved by the Department of Energy to pay for the cost of completing the infrastructure of the network and to provide the staff and services. The Biomedical Information Communications Center opened September 15, relying on the grant, and personnel and programs are in place for the entire next year, based on a commitment of last year's appropriation. If, at this eleventh hour, the Congress were to pull the rug from under this important project, the jobs of more than 100 people would be in jeopardy and, even more important, thousands of people throughout the State would be denied the most up-to-date health care information far from its cities.

It makes no economic nor common sense whatsoever to terminate the Biomedical Information Communications Center in this bill. It is fundamentally unfair for Congress to renege on commitments it has already made.

I urge my colleagues to support rural health care, sound health science, and vote "yes" for this amendment so that we can fix the punitive provision in the bill.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language is in the bill for a very specific reason. One of the most disturbing processes that characterized Congresses of the past was the fact that we had a lot of earmarked science, money that showed up out of nowhere in conference committees that just suddenly appeared as spending that we ought to be doing because somebody thought it was a good thing. There was never peer review, never showed up on the House floor or Senate floor for debate. It just emerged out of a conference committee out of nowhere and so on, a specific earmark for a specific university or for a specific program.

So what we have decided to do is try to eliminate some of those programs and say to them, "Compete with the rest of us." If this program is as good as the gentlewoman tells us it is, it ought to be very competitive. It ought to be able to go in and offer its credentials with everybody else, be peer reviewed by people who have knowledge about the programs and survive and be funded. They did not want to do that. They did an end run, got somebody to offer an earmark, got somebody to practice a little pork-barreling for them and throw it in the bill.

What we are going to do is we are going to stop that practice. Where we have projects that are on the dole because of some earmark along the way, we are going to divest them. We are not making a judgment about those programs. We are saying about those programs they ought to come in and compete in the regular process, and we would be perfectly happy to have Oregon or Nebraska or wherever get their

money through the good old traditional way of actually competing fairly.

But this outrage that the American people's tax money gets spent simply because somebody sits in a committee somewhere and sneaks it in in the dark of night has got to stop. This is a ridiculous way to do science.

We are spending vast amounts of science money in this country going for earmarked pork-barrel projects. We cannot afford it. The science of this country is too important to have it being run that way, and so when this amendment is offered to knock out that provision, what this amendment is is that this is a propork, proearmark amendment. This simply says, "Keep it. We got it, it is all ours," and so on, "and now we ought to keep it. It does not matter how we got it. If we got it unfairly, if we stuck it in in the dark of night, keep it, it is fine." I think the American people are telling us they want the Government run more effectively and they want to make certain the moneys we spend have been properly evaluated.

These projects, good as they might be, were not properly evaluated, and we thought they ought to be cut out. So we included in our bill a cut of some of these programs that showed up as earmarks in the past.

I would say to my colleagues, I think we ought to oppose this amendment. It is a terrible way to spend the taxpayers' money when what happens is powerful people in the Congress are able to earmark things without being properly reviewed, and it seems to me that this is a good chance to strike an antiearmarking blow once and for all.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. BARRETT of Wisconsin. Mr. Chairman, I agree with the gentleman's sentiment about getting rid of pork-barrel projects. It rings hollow with me when I think back to the debate we had on this floor about hydrogen research, which, as I recall, had a 50-percent increase, the bulk of which went to a plant close to or in the gentleman's district.

Mr. WALKER. The gentleman is making an accusation, which I think is against the rules of the House. The gentleman is absolutely wrong in both his facts and what we believe was done. I have supported hydrogen research for a long time. The gentleman is making an outrageous claim here. I brought it to the floor. I did not sneak it in in the dead of night somewhere. I brought up to the floor as part of a bill because it is the right thing to do.

I have no plant in my district. I have no plant close to my district. The fact is the money in that program went to Texas. If the gentleman thinks I am from Texas, maybe he ought to go check his Members' handbook and find out the real facts.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. BARRETT of Wisconsin. I did not say you sneaked it in in the middle of the night. I said it had a 50-percent increase.

Mr. WALKER. It is entirely legitimate. There are increases in this bill as well. We increase a number of places for science. Does the gentleman not want to increase priority science? Does the gentleman not believe doing hydrogen research is, in fact, the right kind of thing to do for our energy future? Maybe the gentleman is against doing good science. The gentleman can be a total antiscience person on this floor. He can do that. That is fine.

Mr. BARRETT of Wisconsin. If the gentleman will yield further, I stand by my statement that my understanding is there is considerable hydrogen research done in the State of Pennsylvania. Maybe I am wrong. But I think that that is something——

Mr. WALKER. I would hope that Pennsylvania and a number of other States are doing hydrogen research. The gentleman is absolutely correct in his assumption here.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. The gentleman is making an accusation here as though I brought a pork-barrel item to the floor myself. I did nothing of the kind. The gentleman will find nothing in my district that got any of that money, and the gentleman will find that the bulk of the hydrogen money goes to States far outside.

I just think it is outrageous for the gentleman to raise the level, because I tell you what happened on this program, if the gentleman is up to defending this program, it was sneaked into a conference report. There was no debate on it on the House floor, no debate on the Senate floor. I think the gentleman came out here and tried to cut the hydrogen money, in fact. The gentleman came out here and got his shot at cutting the hydrogen money. In fact, he could not do it, because the House recognized the gentleman simply did not want to do something that was not in the best long-term interests of the country. Having good hydrogen research is the way to do it.

Mr. BARRETT of Wisconsin. If the gentleman will yield further, again, I may vote with the gentleman on this. I think we should have some consistency. Yes, I felt hydrogen production, I correct myself, should have taken a cut just like other things. I think we should have some consistency. That should take a cut just as you go after these projects. That is what I am asking for, simply asking for consistency.

Mr. WALKER. The fact is, there is no port in any of these bills. There was no designation of Pennsylvania or any other place for the hydrogen money. It was put out on a competitive basis. Anybody who wanted to compete for it was happy to compete for it. The gentleman walks away. He does not want to hear the truth. This is what I am asking for in this kind of situation.

I think what we ought to have is a competitive process where everybody has a chance to come in and compete, and this kind of program is just an outrage, and I would hope that we would vote against this program that got the money strictly through a really pork-barrel, earmarked approach.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

I think the gentleman from Wisconsin who just spoke and insinuated something about the chairman of the Committee on Science owes the chairman of the Committee of Science an apology. The insinuation was that this is some way correlates, the support of the gentleman from Pennsylvania [Mr. WALKER], of hydrogen research, in some way correlates to the, you know, what we have in front of us today, which is basically pork-barreling that has not gone, and earmarking, that has not gone through the process, and it is very clear to those of us who are on the Committee on Science that any money allocated for hydrogen research was something that went through the committee process. Everyone had a chance to debate it. Everyone had a chance to examine it, to disagree or agree with the gentleman from Pennsylvania [Mr. WALKER] about hydrogen research.

That is totally unlike what we are talking about today in this bill, where we are basically talking about something that was put in, not through the committee process, but instead has just materialized in front of us. I think that it is basically my colleague from Wisconsin, who, through this insinuation at the gentleman from Pennsylvania [Mr. WALKER] and owes him an apology. I would have to say that I have witnessed that what the gentleman from Pennsylvania [Mr. WALKER] did on the hydrogen research bill has nothing to do and is totally dissimilar and was absolutely consistent with the rules.

I would suggest that if some one is going to make those kinds of insinuations, that maybe they should study the the process and understand it a little more before they attack a senior Member, as such.

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Mr. WYDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak on behalf of the Furse amendment. I would hope for a moment we could get beyond the matter of accusations and look at a few facts.

The first is that the Oregon Health Sciences Center has cooperated with the Committee on Science at every turn. They have submitted detailed responses to committee questions with respect to earmarks. The president of the university has been available to the bipartisan leadership of the Committee on Science. The fact is that the university has cooperated in every respect with the Committee on Science.

Now, these funds have been obligated. Contracts have been let. Expenses are being met on a monthly basis with the expectation of the Department of Energy providing promised grant moneys. It now becomes simply a matter of fairness to ensure that the obligations under this contract are met.

The gentlewoman from Oregon [Ms. FURSE] has been absolutely correct in talking about the extraordinary potential of telemedicine. As our friend, the chairman of the health committee, notes, telemedicine is the medicine of the future. So this program that is being pioneered at the University of Oregon Health Sciences Center dollar for dollar is going to produce a return across this country. To consider that, after the University of Oregon Health Sciences Center has cooperated in an aboveboard fashion with the committee at every step along the way, the obligation has essentially been incurred by the Federal Government; the potential of the telemedicine is extraordinary. To then come and rupture the good work that has been done strikes me as a tragedy, not just for the country, but for the Nation.

Mr. Chairman, I would hope my colleagues on a bipartisan basis would support the excellent amendment of the gentlewoman from Oregon [Ms. FURSE]. It has implications for bringing this country together, urban and rural areas across the Nation, across our State, and I hope my colleagues will support the amendment.

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

Mr. WYDEN. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, first of all, this might be a very fine program, and it probably is a very fine program, but what does this have to do with the Department of Energy?

Mr. WYDEN. Mr. Chairman, reclaiming my time, as the gentleman knows, the Department of Energy has been one of the pioneers in the research field. That is what this is all about. The Oregon Health Sciences Center is on the cutting edge of future medical technology.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, is this not supposed to be energy research, and not medical research?

Mr. WYDEN. Mr. Chairman, as the gentleman knows, the Department of Energy is involved in a variety of important research. Much of this interfaces between communications and health and a number of related agencies.

Mr. ROHRABACHER. This is one of the reasons why these types of requests should go through the committee and subcommittee and be presented there rather than just being basically voiced on the floor.

Mr. WYDEN. Mr. Chairman, reclaiming my time, I want to repeat again that the university has cooperated with the Committee on Science at every step. They have returned detailed responses. The university president has been available to the committee at every step along the way. The University of Oregon Health Sciences Center has cooperated.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will yield further, I am sorry the gentleman's information is incorrect, unless my staff is incorrect. I am informed there has been no communication from the university this year, and that this was not presented to our subcommittee, nowhere along the line.

If this is such an important project and this is so justifiable, why was not an amendment presented to us at the subcommittee so we could go through the procedures and it could be talked out, so people up and down through the system would have their chance to have a say and to vote on this? Why do we have to have it just appear all of a sudden on the floor at the last minute?

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from California.

Mr. BROWN of California. With regard to the point that the distinguished subcommittee chairman raises, the gentleman is correct in stating on the basis of the information from his staff that there has been no interaction this year. On the other hand, the gentleman from Oregon [Mr. WYDEN] is absolutely correct; there were extensive discussions during the last Congress when I was chairman of the committee.

The gentleman may recall that we threatened to subpoena the earmarked institutions and bring them into Washington. The University of Oregon voluntarily came in and sent their president of the institution, and there were discussions. I will speak a little bit later about my attitude about earmarks, but the gentleman is correct that the cooperation was extended, the programs were fully explained, and they are among the best in the world.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, that is last year. They had a different Congress than.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. Were it so that this bill has been scrubbed so clean. It seems out of a number of earmarks, that it would have been chosen for some reason. Now, was this particular earmark chosen to be eliminated because it lacks merit? I think not.

What we are talking about here goes to some of the essential themes before this Congress. It is about health care in America. It is about providing more efficient health care. It is about saving lives for fewer dollars. That is what this project would do.

I represent a district that is the 45th largest district in the U.S. Congress. Many people in my district live a couple hours away from the nearest hospital. We have a lot of rural clinics. Those rural clinics will be tied in by this system, which is developing a model for rural medicine across America, so that when Blue River, OR, has a nurse-practitioner and there is a serious accident and they take the x ray, they can get real-time consultation with experts up in Portland and decide whether or not we have to dispatch a helicopter, a very expensive helicopter, on a mercy flight, or whether that person can be stabilized and transported an hour by ambulance to the nearest hospital.

Those are the sorts of decisions that will be made in an informed manner with this system. It is a system not just for the State of Oregon. Oregon is going to be the model, and it is going to set the template for the rest of the Nation, a way to provide rural health care in this country and meet our fiscal constraints.

So it is not that this program lacks merit. I would wonder what are the merits of the Florida State University earmark, the Southern earmark, the University of Vermont earmark, the earmark for A&M College Systems in Baton Rouge, LA. I think there is an important person representing that area, lives down that way. The University of Florida solar program. These are all earmarks that are still in the bill. This is not a clean bill that suddenly has achieved great virtue, although the chairman would have us believe that.

A couple of things have been chosen, for whatever reason, to be eliminated. I guess the question is, should this remain in on its merits? It saves money. Ultimately, it will save tens of millions, hundreds of millions of dollars across the country, for rural Oregonians and rural Americans. It will save lives.

The most outrageous thing about this amendment is this was funded previously. The program was begun on September 15. Funds have already been committed, people have been hired.

The software is being written, the technology is contracted for. And now we are going to cut it off in midstream, because we are saying that the Senator from Oregon, MARK HATFIELD, somehow no one knew what the chairman of the Committee on Appropriations was doing, that he snuck this in in the dark of the night. As Members heard from the former chairman of the committee, Portland State, the Oregon Health Sciences Center came forward with information last year.

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

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, was this item in the Senate bill? If MARK HATFIELD was so supportive of it, was it in the Senate bill? It was not in the House bill. It just sort of appeared. That really is the question. We are trying to make sure things do not just appear anymore.

The CHAIRMAN. The Chair would remind Members not to refer to Members of the Senate.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the beginning of this debate, I indicated that it really did not make too much difference what we did with this bill, but that we could expect some interesting dialog as a result of it, and this dialog with regard to earmarking or so-called pork is a part of that.

Now, I have been involved generally in close cooperation with the gentleman from Pennsylvania [Mr. WALKER] on this issue for a number of years. We have almost always seen eye to eye in conducting a vigorous campaign to restrict the growth of earmarks which during the eighties reached the level of almost $1 billion on appropriation bills for research and development. Not earmarks for highways and dams and things like that, but for research and development, whose essence is that it should be peer reviewed and the best should be selected.

We felt that it was a crusade that was worth conducting. We compiled annual lists of the States and, as far as we could tell, the Members of this august body who were the most successful in their practice of earmarking.

Now, amongst the list of centers, the State of Oregon ranked very high. The reasons were very simple. It had two outstanding Senators, one of whom was the ranking minority member during this period of the Committee on Appropriations, and he had no hesitancy about getting what Oregon ought to have. He was not the only one. The Senator from Louisiana, from South Carolina, other Senators, from Alaska, I do not want to pick out any particular Senators, but they, because they were members of the Committee on Appropriations, participated in the conference, got very expert at this business of trading off pork with their counterparts on the House side. It became a fine art, which the gentleman from Pennsylvania [Mr. WALKER] and I tried to stop.

Now, let me say, as I have already indicated, that the question was not necessarily the merit of the particular project. I tried wherever possible to invite these earmarked institutions to come in and defend their earmarks and, if it seemed meritorious, to assist them with getting a proper authorization.

We did that with the University of Oregon, and they were extremely cooperative. We did it with many other institutions. We did it with a fine institution up in Michigan, for example, which a former House subcommittee appropriations chairman wanted to earmark. We thought it was sufficiently meritorious to authorize it.

Our effort is to cooperate in making the systems of this Congress work effectively and to achieve the public goal. Now, it is my opinion, and I will state it very strongly, that the University of Oregon Health Sciences Center is one of the finest institutions in this country. I do not think there is any question about that. It will be a model for many other States. But it did go about securing its funding in the manner which has been described, which I was opposed to, and I sought to correct. But it was of very little avail, except that, as I indicated, there was full cooperation from the university in helping us to understand on the committee the work that these programs do, and I am glad to assert they were extremely cooperative.

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

Mr. BROWN of California. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I appreciate the gentleman from California yielding, because I suspect this debate is closing.

Mr. Chairman, the Furse amendment is not a referendum on earmarks. A lot of us on a bipartisan basis have reservations, as the gentleman from California [Mr. BROWN] has said, about the earmarking concept. What we are concerned about is when a university does cooperate with the bipartisan leadership of the Committee on Science, does things in an above the board way, and incurs these obligations, it is a great mistake to then in effect tear up all of that good work which has the potential to serve the country. This is not a referendum on earmarks. This is a question of fairness for a particular university that has cooperated with the Congress in a bipartisan way.

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

Mr. BROWN of California. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, let me for the record state that I have deep admiration for the former chairman of the Committee on Science and in the past several years I have worked with the former chairman, the gentleman from California [Mr. BROWN], on this issue as well as on the issue about other what I consider to be some kind of violations of the Committee on Appropriations process. The gentleman has my full respect for this and other issues that we have worked side-by-side on

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. ROHRABACHER. Mr. Chairman, this is a new Congress, and what the gentleman was describing earlier seems to indicate that this particular item was handled last year, and perhaps had there not been this change over between the Republicans and Democrats, that this might not have come up as an issue because things would have been handled, the university's request would have been handled in a different way earlier on because we would have been aware of it. As it was, the university did not communicate with us, but was in communication with the chairman and with the former leaders of the committee.

So I see where there is a breakdown of communication here, perhaps as the former chairman has indicated, with no bad thoughts or any strategy in mind, but just because of naivete did not remake the request. We needed the request earlier on before the subcommittee so people could have basically voted on it. By not following that procedure, that is why we have come to this conflict today.

Mr. Chairman, I do verify and respect the former chairman for all he has done in this area and appreciate the work that he has done.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's remarks and, Mr. Chairman, to complete my statement, I want to make this point. The campaign against earmarking needs to be continued and it should be on a bipartisan basis, and I would appreciate a chance to cooperate in that.

Second, the point before us is that the particular language in the bill here attempts to revoke two earmarks from last year's appropriations bill. I have said from the beginning that this bill that we are considering is not going anywhere and I will tell Members that if we strike out the money for the University of Oregon Health Sciences University, the former ranking minority

member, who is now the chairman of that Committee on Appropriations, is going to take great umbrage and we will not get any consideration of getting this bill out of the Senate, which I think is probably just as well.

I am curious as to what masterful stroke of political acumen made the gentleman from California [Mr. ROHRABACHER] decide to strike out the favored project over the last 15 years of the senior Senator from Oregon who chairs the Committee on Appropriations. Could the gentleman answer that?

Mr. ROHRABACHER. Mr. Chairman, if the gentleman would yield for a response, these two projects were the only two projects that came out of this conference committee that were in neither the House bill nor the Senate bill, and that is why they were selected.

Mr. BROWN of California. Well, Mr. Chairman, the concluding point I will make is that I have looked at the bill, there are about three pages of other earmarks, as was pointed out earlier. My objection to the provisions here, and my reason for supporting the amendment of the gentlewoman from Oregon [Ms. FURSE] is that out of about 20, the gentleman has selected two, for one reason or another, and I was trying to elicit what those reasons were.

I would say, for lack of equal application of the gentleman's zeal, that we ought not to go ahead with these two.

There is a third paragraph here which is so defective that the Committee on Rules struck it out. The gentleman should have asked them to strike out these two earmarked positions as well and he would have a much better bill.

I have mixed emotions in saying this, because the bill is very bad. I hope it gets worse and that will guarantee it will not get anywhere, but I think this has been a most enlightening debate and it has been a pleasure to participate in it with the gentleman.

Mr. BROWN of California. Mr. Chairman, I include four pages for the RECORD regarding earmarks in the House and Senate energy and water 1995 appropriations bill.

EARMARKS IN HOUSE AND SENATE ENERGY AND WATER 1995 APPROPRIATIONS BILL

Location/section	Description	House	Senate
Corp. of Engineers, pp. H18 and S12	* * * has provided $300,000 for the Corps of Engineers to proceed with detailed design and plans and specifications, including detailed cost estimates, for certain elements of the master plan of the multipurpose Indiana University South Bend, St. Joseph River, Indiana, project * * *. The Committee expects the Corps to continue to conduct this work in close cooperation with Indiana University South Bend.	$300,000.00	$300,000.00
Pp. H19 and S22	* * * has included $300,000 for continuation of the Construction Technology Transfer Project between the Corps of Engineers research institutions and Indiana State University.	300,000.00	0
Corps of Engineers, p. S22	* * * Committee has included an additional $2,000,000 for R&D activities related to zebra mussel control		[1] 2,000,000.00
Corp. of Engineers, Aquatic Plant Control Program, p. H28.	* * * directs that $1,000,000 of these additional funds be used to increase the research effort at the Corps of Engineers waterways Experiment Station * * * for cooperative research to be conducted primarily by the University of Miami, Florida.	1,000,000.00	1,000,000.00
Corp. of Engineers, Oil Spill Research p. S58.	In accordance with section 7001(c)(10) of the act [Oil Pollution Act of 1990], the Committee has added $275,000 * * * to establish cooperative agreements with research institutions located in the northern gulf coast region to conduct essential research in oilspill remediation and restoration.		275,000.00
Dept. of Energy/Electric Energy Systems and Storage, p. H71.	* * * has included $600,000 to support the ongoing and productive research at the Florida Solar Energy Center	600,000.00	600,000.00
DOE/Biological & Environmental Research, pp. H72 and S85.	* * * provides $1,000,000 to make one grant to continue research and develop technology for commercial exploitation in the disposal of infectious hospital waste through electron beam sterilization at a public, urban teaching hospital affiliated with a comprehensive medical school and research center with an active electron beam program and documentable experience in operating a functional machine.	1,000,000.00	1,000,000.00
DOE/Biological & Environmental Research, p. S86.	* * * Committee recommends an appropriation of $5,000,000 to assist the University of Nebraska Medical Center in the development of its transplant center * * *.		5,000,000.00
	Positron emission tomograph (PET) * * * Committee directs the Department to undertake a cooperative project to develop and test this concept in a medical setting * * * and has provided funding for this purpose.		Unspecified
	* * * Committee has included $5,000,000 for the second phase of the Biomedical Information Center (BIC) at the Oregon Health Sciences University		5,000,000.00
DOE/Supporting Research and Technical Analysis, pp. H75 and S90.	* * * to continue the Midwest Superconductivity Consortium. The Consortium is directed to continue using a competitive review process to identify and fund university research * * *.	3,200,000.00	3,700,000.00
DOE/Supporting Research and Technical Analysis, p. H76.	* * * is supportive of the work done at Florida State University's Super Computations Research Institute * * * recommendation includes $5,900,000 to continue the Super Computations Research Institute.	5,900,000.00	
DOE/Supporting Research and Technical Analysis, pp. H76 and S91.	* * * Lawrence Berkeley Laboratory, the Ana G. Mendez Educational Foundation and Jackson State University have enjoyed a productive relationship intended to enhance computer science and scientific research at all three institutions * * * directs the Department to continue the program, and provides $4,000,000 to maintain and support this relationship.	4,000,000.00	4,000,000.00
DOE/Supporting Research and Technical Analysis, p. S90.	* * * Committee recommendation provides $500,000 to continue the partnership begun in 1992 with Lawrence Livermore and Sandia National Laboratories, Southern University, and other institutions of higher education to support the Louisiana systemic initiative * * * to increase representation of minorities and women in science, math technology, engineering and related disciplines.		500,000.00
DOE/Supporting Research and Technical Analysis, p. S91.	* * * urges the Department to fund nonprofit optics consortia to coordinate research and development activity between the private sector, university researchers, and the Government * * *.		Unspecified
DOE/Supporting Research and Technical Analysis, p. S91.	* * * an additional $5,000,000 under university and science education programs to establish the Center for Minorities in Science, Engineering, and Technology at existing facilities at Southern University and A&M College System in Baton Rouge, LA.		5,000,000.00
DOE/Environmental Restoration and Waste Management, p. H77.	From within available funds, the Committee recommendation is to continue the support of the existing University Research Program in Robotics at the level of fiscal year 1994 of $4,000,000.	4,000,000.00	
Defense Environmental Restoration and Waste Management, p. S134.	* * * the Department is presently considering a proposal to establish the International Center for Groundwater Remediation Design. The Center is an outgrowth of the partnership between Lawrence Livermore Lab and the University of Vermont * * *. The Committee encourages the Department to support this university/national laboratory consortia * * *.		Unspecified
Cong. Record, 6/30/94, p. S8033	* * * within funds available for hydrogen research, $250,000 shall be made available to an institution [University of Oklahoma] where expertise in electrochemical (fuel cells), thermochemical and photochemical reactions for hydrogen production may be synergistically studied and the application to gas storage and alternate vehicle technology may be integrated.		250,000.00
Grand totals		20,300,000.00	26,625,000.00

[1] Although included on this list, Senate report provides no cue as to where research will be conducted. The $2,000,000 for this earmark is not included in Senate grand total amount.

Note: Page references with H=House report; S=Senate report.

Mr. CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was rejected.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. 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. KLECZKA: Page 90, lines 17 through 19, strike ", including" and all that follows through "Energy Research".

Mr. KLECZKA. Mr. Chairman, a short time ago the gentleman from Pennsylvania [Mr. WALKER], chairman of the committee, indicated that the time has come that we have to stop earmarking, and in an effort to continue the war against earmarking, this amendment does exactly that.

I direct the attention of the Members to page 90 of the authorization bill before us where we do authorize funds for various programs in the fossil fuel energy program. If the Members look down to the coal technology, up pops off the page one big fat earmark, and if I might read the portion that deals with the authorization for oil technology, it indicates an amount of $43,234,000 for operating; however, it adds including maintaining programs of the National Institute of Petroleum and Energy Research.

Mr. Chairman, the reason I raise this point is because the House spoke a few months ago on the appropriations bill whereby a vote of 251 to 160 this earmark was deleted. My information is that the committee will accept this amendment and I will yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the committee will accept this amendment.

Mr. KLECZKA. Mr. Chairman, I yield to the gentleman from California [Mr. BROWN] and ask if he also concurs?

Mr. BROWN of California. Mr. Chairman, since it has met my ironclad test of what constitutes a good amendment, mainly satisfying the Republicans, I am happy to accept it.

Mr. KLECZKA. Mr. Chairman, I want to thank the gentleman from California [Mr. BROWN] for accepting this ironclad amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLECZKA].

The amendment was agreed to.

Mr. WARD. Mr. Chairman, I move to strike the last word in order to engage the gentleman from Pennsylvania [Mr. WALKER] in a colloquy.

Mr. Chairman, I appreciate the gentleman taking the time to talk with me about my concerns over report language in this bill that serves to prioritize research and development programs for the Department of Energy, in particular requiring $1 million to be spent on research in the area of sonoluminescence.

Mr. Chairman, I offered an amendment to the energy and water appropriations bill to strike that funding. The amendment was passed by a vote of 276 to 141. I believe there is widespread support for allowing the Department of Energy, and other departments, for that matter, and their scientists and administrators, to make the decisions on what research and development projects to fund, and that Congress should not attempt to micromanage these issues.

Mr. Chairman, I know the gentleman from Pennsylvania [Mr. WALKER] shares my respect for the importance of research and development programs but especially in the area of basic energy sciences. That is why I seek his assurance that the report language would not be binding, in that the Department of Energy would not be required to spend $1 million on sonoluminescence research.

Mr. WALKER. Mr. Chairman, if the gentleman would yield, the gentleman is correct that the Committee on Science believes the research into sonoluminescence is worthy of support. We hope the Department of Energy will agree. Scientists at Lawrence Livermore believe the effect of sound waves in water holds promise for a number of applications, however, the report language would not be binding and the Department of Energy would be free to spend its research dollars as it sees fit.

Mr. WARD. Mr. Chairman, I thank the gentleman very much for his assistance.

The CHAIRMAN. Are there further amendments to title III?

Mr. TORKILDSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage my colleague, the gentleman from Pennsylvania [Mr. WALKER], the Chair of the Committee on Science, in a colloquy regarding H.R. 2405.

Specifically, I rise to inquire about section 303(b)(2) of H.R. 2405, the Omnibus Science Authorization Act of 1995, which authorizes funds for the Department of Energy nuclear physics program. I would also like to applaud the gentleman for his leadership role in funding this program.

It is my understanding that $316,873,000 is authorized to be appropriated for nuclear physics for fiscal year 1996, of which $239,773,000 is designated for operating and capital equipment. Of these dollars, I understand that it is the intention of the Committee on Science to support the university-based accelerators under the nuclear physics account within the funds available. Furthermore, I understand that it is the intention of the committee to support the William H. Bates Linear Accelerator Center, named after former Congressman Bill Bates, and located in Middleton, MA, again within available funds; is this correct?

Mr. WALKER. Mr. Chairman, if the gentleman would yield, the gentleman is correct that university-based accelerators are crucial to the further scientific exploration of the nuclear physics field in the United States. I thank the gentleman from Massachusetts [Mr. TORKILDSEN] for bringing up this important point for clarification.

Mr. TORKILDSEN. Mr. Chairman, again I applaud the chairman for his leadership role and thank him for his clarification.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 401. SHORT TITLE.

This title may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1995".

SEC. 402. DEFINITIONS.

For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653);

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.);

(3) "Act of 1970" means the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.);

(4) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration; and

(5) "Secretary" means the Secretary of Commerce.

Subtitle A—Atmospheric, Weather, and Satellite Programs

SEC. 411. NATIONAL WEATHER SERVICE.

(a) OPERATIONS AND RESEARCH.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service, $472,338,000 for fiscal year 1996. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

(b) SYSTEMS ACQUISITION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the public warning and forecast systems duties of the National Weather Service, $79,034,000 for fiscal year 1996. Such duties include the development, acquisition, and implementation of major public warning and forecast systems. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567). None of the funds authorized by such section 102(b) shall be expended for a particular NEXRAD installation unless—

(1) it is identified as a National Weather Service NEXRAD installation in the National Implementation Plan for modernization of the National Weather Service, required under section 703 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567); or

(2) it is to be used only for spare parts, not as an installation at a particular site.

(c) NEW NEXRAD INSTALLATIONS.—No funds may be obligated for NEXRAD installations not identified in the National Implementation Plan for 1996, unless the Secretary certifies that such NEXRAD installations can be acquired within the authorization of NEXRAD contained in section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992.

(d) ASOS PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (b), $16,952,000 for fiscal year 1996 are authorized to be appropriated to the Secretary, for the acquisition and deployment of—

(1) the Automated Surface Observing System and related systems, including multisensor and backup arrays for National Weather Service sites at airports; and

(2) Automated Meteorological Observing System and Remote Automated Meteorological Observing System replacement units.

and to cover all associated activities, including program management and operations and maintenance.

(e) AWIPS AUTHORIZATION.—Of the sums authorized in subsection (b), there are authorized to be appropriated to the Secretary $52,097,000 for fiscal year 1996, to remain available until expended, for—

(1) the acquisition and deployment of the Advanced Weather Interactive Processing System and NOAA Port and associated activities; and

(2) associated program management and operations and maintenance.

(f) CONSTRUCTION OF WEATHER FORECAST OFFICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out construction, repair, and modification activities relating to new and existing weather forecast offices, $20,628,000 for fiscal year 1996. Such activities include planning, design, and land acquisition related to such offices.

(g) STREAMLINING WEATHER SERVICE MODERNIZATION.—

(1) REPEALS.—Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) are repealed.

(2) CONFORMING AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) in section 702, by striking paragraph (3) and redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively, and

(B) in section 703—

(i) by striking "(a) NATIONAL IMPLEMENTATION PLAN.—";

(ii) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(iii) by striking subsections (b) and (c).

SEC. 412. ATMOSPHERIC RESEARCH.

(a) CLIMATE AND AIR QUALITY RESEARCH.—(1) There is authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties, $8,757,000 for fiscal year 1996. Such duties include internannual and seasonal climate research and long-term climate and air quality research.

(2) The Administrator shall ensure that at least the same percentage of the climate and air quality research funds that were provided to institutions of higher education for fiscal year 1995 is provided to institutions of higher education from funds authorized by this subsection.

(b) ATMOSPHERIC PROGRAMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties, $39,894,000 for fiscal year 1996. Such duties include research for developing improved prediction capabilities for atmospheric processes, as well as solar-terrestrial research and services.

(c) GLOBE AUTHORIZATION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Global Learning and Observations to Benefit the Environment program, $7,000,000 for fiscal year 1996.

SEC. 413. NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE.

(a) SATELLITE OBSERVING SYSTEMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties, $319,448,000 for fiscal year 1996, to remain available until expended. Such duties include spacecraft procurement, launch, and associated ground station systems involving polar orbiting and geostationary environmental satellites, as well as the operation of such satellites. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567).

(b) POES PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary $184,425,000 for fiscal year 1996, to remain available until expended, for the procurement of Polar Orbiting Environmental Satellites, K, L, M, N, and N[1], and the procurement of the launching and supporting ground systems of such satellites.

(c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL SATELLITES.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Administrator $46,300,000 for fiscal year 1996, to remain available until expended—

(1) to procure up to three additional Geostationary Operational Environmental NEXT Satellites (GOES I-M clones) and instruments; and

(2) for contracts, and amendments or modifications of contracts, with the developer of previous GOES-NEXT satellites for the acquisition of the additional satellites and instruments described in paragraph (1).

(d) ENVIRONMENTAL DATA AND INFORMATION SERVICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its environmental data and information services duties, $35,665,000 for fiscal year 1996. Such duties include climate data services, geophysical data services, and environmental assessment and information services.

(e) NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary, for fiscal year 1996, $39,500,000, to remain available until expended, for the procurement of the National Polar-Orbiting Operational Environmental Satellite System, and the procurement of the launching and supporting ground systems of such satellites.

Subtitle B—Marine Research

SEC. 421. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, $29,149,000.

(b) GEODESY.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, $19,927,000 for fiscal year 1996.

(c) OBSERVATION AND PREDICTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, $11,279,000 for fiscal year 1996.

(2) CIRCULATORY SURVEY PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Circulatory Survey Program, $695,000 for fiscal year 1996.

(3) OCEAN AND EARTH SCIENCES.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, $4,231,000 for fiscal year 1996.

(d) ESTUARINE AND COASTAL ASSESSMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, $1,171,000 for fiscal year 1996.

(2) OCEAN ASSESSMENT.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, $8,401,000 for fiscal year 1996.

(3) DAMAGE ASSESSMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, $585,000 for fiscal year 1996.

(4) COASTAL OCEAN PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, $9,158,000 for fiscal year 1996.

SEC. 422. OCEAN AND GREAT LAKES RESEARCH.

(a) MARINE PREDICTION RESEARCH.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, $13,763,000 for fiscal year 1996.

(b) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1) Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—There are authorized to be appropriated to carry out sections 205 and 208, $34,500,000 for fiscal year 1996.".

(2) Section 212(b)(1) of the National Sea Grant College Program Act (33 U.S.C. 1131(b)(1)) is amended by striking "an amount" and all that follows through "not to exceed $2,900,000" and inserting in lieu thereof "$1,500,000 for fiscal year 1996".

(3) Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4)) is amended by striking "discipline or field" and all that follows through "public administration)" and inserting in lieu thereof "field or discipline involving scientific research".

SEC. 423. USE OF OCEAN RESEARCH RESOURCES OF OTHER FEDERAL AGENCIES.

(a) FINDINGS.—The Congress finds the following:

(1) Observing, monitoring, and predicting the ocean environment has been a high priority for the defense community to support ocean operations.

(2) Many advances in ocean research have been made by the defense community which could be shared with civilian researchers.

(3) The National Oceanic and Atmospheric Administration's missions to describe and predict the ocean environment, manage the Nation's ocean and coastal resources, and promote stewardship of the world's oceans would benefit from increased cooperation with defense agencies.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the National Oceanic and Atmospheric Administration should expand its efforts to develop interagency agreements to further the use of defense-related technologies, data, and other resources to support its oceanic missions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of expanding the use of defense-related technologies, data, and other resources to support and enhance the oceanic missions of the National Oceanic and Atmospheric Administration.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a detailed listing of defense-related resources currently available to the National Oceanic and Atmospheric Administration and the National Oceanic and Atmospheric Administration missions which utilize those resources;

(B) detailed findings and recommendations, including funding requirements, on the potential for expanding the use of available defense-related resources;

(C) a detailed listing and funding history of the National Oceanic and Atmospheric Administration resources, including data and technology, which could be supplemented by defense-related resources;

(D) a listing of currently unavailable defense-related resources, including data and technology, which if made available would enhance the National Oceanic and Atmospheric Administration mission performance;

(E) recommendations on the regulatory and legislative structures needed to maximize the use of defense-related resources;

(F) an assessment of the respective roles in the use of defense-related resources of the Army Corps of Engineers, data centers, operational centers, and research facilities of the National Oceanic and Atmospheric Administration; and

(G) recommendations on how to provide access to relevant defense-related data for non-Federal scientific users.

Subtitle C—Program Support

SEC. 431. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, $20,632,000 for fiscal year 1996.

(b) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, $30,000,000 for fiscal year 1996.

(c) RETIRED PAY.—There are authorized to be appropriated to the Secretary, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, $7,706,000 for fiscal year 1996.

(d) MARINE SERVICES.—

(1) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary is authorized to enter into contracts for data or days-at-sea to fulfill the National Oceanic and Atmospheric Administration missions of marine research, climate research, fisheries research, and mapping and charting services.

(2) UNOLS VESSEL AGREEMENTS.—In fulfilling the National Oceanic and Atmospheric Administration mission requirements described in paragraph (1), the Secretary shall use excess capacity of University-National Oceanographic Laboratory System vessels where appropriate, and may enter into memoranda of agreement with operators of those vessels to carry out those mission requirements.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities, including activities described in paragraphs (1) and (2), $60,689,000 for fiscal year 1996.

(e) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities (including aircraft operations, maintenance, and support) under the Act of 1970 and any other law involving those activities, $9,548,000 for fiscal year 1996.

(f) FACILITIES REPAIRS AND RENOVATIONS.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out facilities repairs and renovations, $7,374,000 for fiscal year 1996.

Subtitle D—Streamlining of Operations

SEC. 441. PROGRAM TERMINATIONS.

(a) TERMINATIONS.—No funds may be appropriated for the following programs and accounts:

(1) The National Undersea Research Program.

(2) The Fleet Modernization, Shipbuilding, and Construction Account.

(3) The Charleston, South Carolina, Special Management Plan.

(4) Chesapeake Bay Observation Buoys.

(5) Federal/State Weather Modification Grants.

(6) The Southeast Storm Research Account.

(7) The Southeast United States Caribbean Fisheries Oceanographic Coordinated Investigations Program.

(8) National Institute for Environmental Renewal.

(9) The Lake Champlain Study.

(10) The Maine Marine Research Center.

(11) The South Carolina Cooperative Geodetic Survey Account.

(12) Pacific Island Technical Assistance.

(13) Sea Grant/Oyster Disease Account.

(14) National Coastal Research and Development Institute Account.

(15) VENTS program.

(16) National Weather Service non-Federal, non-wildfire Fire Weather Service.

(17) National Weather Service Regional Climate Centers.

(18) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.

(19) Dissemination of Weather Charts (Marine Facsimile Service).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report certifying that all the programs listed in subsection (a) will be terminated no later than September 30, 1995.

(c) REPEAL OF SEA GRANT PROGRAMS.—

(1) REPEALS.—(A) Section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) is repealed.

(B) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(2) CONFORMING AMENDMENT.—Section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

(d) ADDITIONAL REPEAL.—The NOAA Fleet Modernization Act (33 U.S.C. 851 note) is repealed.

SEC. 442. LIMITATIONS ON APPROPRIATIONS.

(a) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

(b) FISCAL YEAR 1996.—No more than $1,692,470,000 is authorized to be appropriated to the Secretary for fiscal year 1996, by this Act or any other Act, to enable the National Oceanic and Atmospheric Administration to carry out all activities associated with Operations, Research, and Facilities.

(c) REDUCTION IN TRAVEL BUDGET.—Of the sums appropriated under this Act for Operations, Research, and Facilities, no more than $20,000,000 may be used for reimbursement of travel and related expenses for National Oceanic and Atmospheric Administration personnel.

SEC. 443. REDUCTION IN THE COMMISSIONED OFFICER CORPS.

(a) MAXIMUM NUMBER.—The total number of commissioned officers on the active list of the National Oceanic and Atmospheric Administration shall not exceed—

(1) 369 for fiscal year 1996;

(2) 100 for fiscal year 1997; and

(3) 50 for fiscal year 1998.

No such commissioned officers are authorized for any fiscal year after fiscal year 1998.

(b) SEPARATION PAY.—The Secretary may separate commissioned officers from the active list of the National Oceanic and Atmospheric Administration, and may do so without providing separation pay.

Subtitle E—Miscellaneous

SEC. 451. WEATHER DATA BUOYS.

(a) PROHIBITION.—It shall be unlawful for any unauthorized person to remove, change the location of, obstruct, willfully damage, make fast to, or interfere with any weather data buoy established, installed, operated, or maintained by the National Data Buoy Center.

(b) CIVIL PENALTIES.—The Administrator is authorized to assess a civil penalty against any person who violates any provision of this section in an amount of not more than $10,000 for each violation. Each day during which such violation continues shall be considered a new offense. Such penalties shall be assessed after notice and opportunity for a hearing.

(c) REWARDS.—The Administrator may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering, in violation of law, with data buoys maintained by the National Data Buoy Center; or for information leading to the discovery of missing National Weather Service property or the recovery thereof.

SEC. 452. DUTIES OF THE NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—To protect life and property and enhance the national economy, the Secretary, through the National Weather Service, except as outlined in subsection (b), shall be responsible for—

(1) forecasts and shall serve as the sole official source of weather warnings;

(2) the issue of storm warnings;

(3) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information; and

(4) the preparation of hydrometeorological guidance and core forecast information.

(b) COMPETITION WITH PRIVATE SECTOR.—The National Weather Service shall not compete, or assist other entities to compete, with the private sector when a service is currently provided or can be provided by commercial enterprise, unless—

(1) the Secretary finds that the private sector is unwilling or unable to provide the services; and

(2) the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(c) AMENDMENTS.—The Act of 1890 is amended—

(1) by striking section 3 (15 U.S.C. 313); and

(2) in section 9 (15 U.S.C. 317), by striking all after "Department of Agriculture" and inserting in lieu thereof a period.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on

Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all National Weather Service activities which do not conform to the requirements of this section and outlining a timetable for their termination.

SEC. 453. REIMBURSEMENT OF EXPENSES.

(a) IN GENERAL.—Notwithstanding section 3302 (b) and (c) of title 31, United States Code, and subject to subsection (b) of this section, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHERY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER—

(1) shall be retained as an offsetting collection in the Marine Services account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited in that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration vessel repairs.

(b) LIMITATION.—Not more than $518,757.09 of the amounts referred to in subsection (a) may be deposited into the Marine Services account pursuant to subsection (a).

SEC. 454. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for awards of financial assistance made by the National Oceanic and Atmospheric Administration after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 455. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 456. REPORT ON LABORATORIES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall conduct a review of the laboratories operated by the National Oceanic and Atmospheric Administration and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) REQUIREMENTS.—The report required by subsection (a) shall—

(1) address potential efficiencies and savings which could be achieved through closing or consolidating laboratory facilities;

(2) review each laboratory's—

(A) mission and activities and their correlation to the mission priorities of the National Oceanic and Atmospheric Administration;

(B) physical assets, equipment, condition, and personnel resources; and

(C) organization and program management; and

(3) address other issues the Inspector General considers relevant.

The CHAIRMAN. Are there amendments to title IV?

Mr. ROHRABACHER. 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. LAHOOD] having assumed the chair, Mr. KINGSTON, 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. 2405) to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes, had come to no resolution thereon.

□ 1845

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2405 the bill just considered.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION BIENNIAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION, CALENDAR YEARS 1992–1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure:

To the Congress of the United States:

In accordance with Public Law 103–272, as amended (49 U.S.C. 5121(e)), I transmit herewith the Biennial Report on Hazardous Materials Transportation for Calendar Years 1992–1993 of the Department of Transportation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 11, 1995.*

ELECTION OF MEMBER TO COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 236) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 236

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Economic and Educational Opportunities: the following Member: CHAKA FATTAH of Pennsylvania.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The Speaker pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JIM KENNELLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, I rise today first as a senior member of the Connecticut delegation to give our condolences to a colleague, the gentlewoman from Connecticut, BARBARA KENNELLY, who lost her husband this weekend.

Jim Kennelly was my speaker when I was first elected to the State House in 1975. Speaker Kennelly was one of the individuals that every Member, Republican and Democrat, respected for his incredible knowledge of the rules of the House. In every legislative opportunity, Speaker Kennelly really showed his brilliance. As a legislator, he was second to no one. He held such a commanding presence on legislative matters in the State House.

Mr. Speaker, I think that of all those 151 Members that served those two sessions that I served in the Connecticut General Assembly with Speaker Kennelly, it was clear he was felt to be the most brilliant Member of the body, the most dedicated public servant working late into the night.

We are going to miss Jim, and we obviously feel for our colleague and friend, BARBARA KENNELLY. I have known the Kennelly's now for in the range of 20, 25 years. The intensity of political life is such that it bonds you in a way that almost no other experience except for war may do to individuals. And for Democrats and Republicans alike, as we have tremendous battles over substantive issues, our feelings for our families and for our friendship is that much more intense. I will miss Jim Kennelly, and I pain for my colleague and friend, BARBARA KENNELLY.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Connecticut.

Both Sam and I served in the Connecticut State Legislature when Jim

was Speaker of the House of Representatives. While Sam served directly under him, I felt his influence in the upper chamber. Jim Kennelly was probably as brilliant a legislative mind as any State has enjoyed. But not only was he a fine legislator, he was an extremely able politician in the best sense of that word.

He really did listen to the concerns of people from different parts of the State with different difficulties, different problems, and, kind of in the tradition of Tip O'Neill, he led in the best sense of that word. The gift that he gave to Connecticut during his years of political involvement, though naturally we did not all agree, was a gift that every single citizen enjoyed with or without their direct knowledge.

As we join on the floor here tonight to remember Jim Kennelly, I would like to comment on my heartfelt sympathy for BARBARA, his extremely able wife and our colleague, for she has served Jim and her family, this Congress and her constituency and our Nation with extraordinary ability. They were a close couple, a strong family, the best kind of model both of public servants and capable leaders that America is capable of producing.

I join you in paying tribute to Jim Kennelly, an outstanding political leader and a special person in the hearts of every Member of the Connecticut constituency.

Mr. GEJDENSON. I would like to thank the gentleman from Utah, Mr. HANSEN, who has agreed to wait a couple extra minutes so that we can complete our respect and concern for BARBARA.

I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank my colleagues, SAM GEJDENSON and NANCY JOHNSON, and I wish we did not have to take the floor this evening for this sad occasion. Connecticut truly today did lose one of its finest public servants in Jim Kennelly. My colleague, our colleague, BARBARA KENNELLY, lost so much more today, and we extend to BARBARA and to her family and to her children our heartfelt sympathy. Our thoughts and our prayers are with the Kennelly family.

We pay tribute to a man who was truly a powerhouse, an unbelievable legislator in his own right, and as well a political spouse. There were none better in that role. It was 1959 that Jim and BARBARA were married, and they became a political power couple in the State of Connecticut. Jim was a rising star. BARBARA was heir to one of Connecticut's most famous political dynasties.

Together they shared the dream and, as our NANCY JOHNSON just said, they were a wonderful couple. They were a political couple. They were a caring couple. They cared about what happened to people in the State of Connecticut and all over this country. They pursued their dreams and their dedication together. Jim Kennelly ran for public office in 1966. He was elected as a State representative in the State House. He climbed that ladder to the very top rung. He served as the Speaker of the House. I did not have the opportunity to serve with him there, but he was there from 1975 to 1978.

As my colleagues on both sides of the aisle mentioned, he had the respect of Republicans and Democrats in that body. No one will question BARBARA KENNELLY's rise also as a star in proving her adeptness in a political world, and she climbed that ladder as did her husband.

I often had the opportunity to watch Jim Kennelly watch BARBARA KENNELLY as she spoke and as she went out and she did her work. There was a great love, great affection, and great pride in his eyes as he watched her.

There are those of us who know what the demands of political life are all about. And for women Members oftentimes there is a lot expected to balance that nontraditional role of being a Member of the Congress and at the same time also being a wife and a mother. Women in Congress understand the need to have a very supportive spouse. Jim Kennelly was such a man.

He was comfortable and content to be at the top rung in political life as well as being the supportive spouse.

So I join my colleagues tonight in offering our sympathy and our heartfelt prayers for BARBARA and her family.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I just want to thank the gentleman and the gentlewoman from Connecticut [Mr. JOHNSON], for taking this time to pay respects to Jim Kennelly. I did not know him in his legislative capacity, but the stories and the testimony of his accomplishments are legend about his service in the State legislature.

I had an opportunity to know him as BARBARA's husband and had a couple of chances to travel with him and to spend time, and he was a wonderful, wonderful human being. He was very generous in his time to other spouses on the trip. He was insightful about politics. He was a very good storyteller. He made people very comfortable to be around him. His company was enjoyed and sought by those who would share any kind of time with him.

I just want to express my sympathies and concerns and my prayers and those of my wife Cynthia for BARBARA and for the children. Jim was a wonderful husband and a wonderful friend and a wonderful person to know I thank the gentleman very much for taking the time.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to thank my colleagues from Connecticut and California for this tribute.

One of the rewards of public service is the friendships that you make. It has been my great fortune to make the friendship of BARBARA KENNELLY and her husband, Jim. These friendships extend beyond business hours when we have a chance to relax and get to know one another.

I came to know the Kennelly family; what a great legendary political family they are. Jim, who served with such distinction at the legislative level, was known to me when I worked at the State legislative level for his leadership not only in Connecticut but across the Nation. Then I came to meet BARBARA and realized what she contributed to our country here in her service to the U.S. House of Representatives.

As the gentlewoman from Connecticut , [Mrs. DELAURO] said, Jim graduated from the role of speaker and legislative leader to the role of political spouse, not an easy burden to carry for many men, but he carried it so well. He respected BARBARA'S contribution. He was part of her decision process. He was supportive of her. All of us in public life depend so much on that support and he did such a great job.

I am sorry to hear of his passing. I extend my condolences to Barbara and the family, and I hope that this special order is an indication that Jim's contribution to Connecticut and the country will be long remembered.

Mr. GEJDENSON. Mr. Speaker, just a few more words. There is no, I think, statement that a legislator can make about one of his colleagues that is more respectful than speaker. And for me the first speaker I ever served under was Speaker Kennelly. He was a brilliant and powerful speaker. He was someone with a great concern for the rank and file members. I was a freshman of the general assembly, but the door was always open to Speaker Kennelly. He was always there to help us.

My second term in Connecticut—the speaker appoints the chairman of committees—he appointed me the chairman of the labor and industrial relations committee. Not something you have happen very often, especially in the old days, making somebody new and somebody young the chairman of a committee.

One of the meetings I was coming to, my car had broken down and I was hitchhiking in and his daughter picked me up hitchhiking and she did not know I was a State legislator. We both ended up walking into the speaker's office almost together. I am not sure he was that happy that his daughter was picking up hitchhikers, but he was an amazing speaker. He was an amazing

friend. He is legend in Connecticut for his knowledge of Robert's Rules of Order. And while today knowing the process and knowing the rules is not as respected as it used to be, it is critical to the operation of a legislative body. Virtually without reference, he could deal with any complicated legislative situation on the floor.

Mr. Speaker, I would like to yield to my colleague, Mr. SHAYS.

Mr. SHAYS. Mr. Speaker, Jim Kennelly was the best speaker that I have ever seen in my life in the 20 years I have been a member of the State house and Congress.

□ 1900

He was someone who believed so passionately in the institution and his responsibilities of guiding the chamber that he was quite willing to make a ruling that may not have been what he wanted to make, and may have caused tremendous problems for the operation. But he would, on occasion, agree that the minority's point was well taken, and in spite of the pressure that he might have gotten from a whole host of different people and in spite of the pressure he might have felt for himself to move business along, he was willing to concede that the process was so important that he would adjust his timetable and his schedule and accept the ruling that was in fact against his own wishes.

He was extraordinarily kind. He was as intelligent as I have ever known anyone to be. He was a leader in terms of our constitutional convention when we established our new Constitution for the State of Connecticut. He was a man you could go to and always know you were going to get a straight and direct answer and know that it came with a great deal of thought and energy.

He was a wonderful man. He enriched my life. I used him as a model. I am not saying that I followed him. The gentleman would probably say I did not follow him well at all, but I certainly knew what an ideal legislator was like, and he was it.

Mr. GEJDENSON. Just reclaiming my time for one moment, you always felt intellectually challenged when you went in to meet Speaker Kennelly, whether you were with him on the issue or as you were on many occasions on the opposite side of the issue, that he always gave you an honest and very tough intellectual presentation. You had to prove your point. You had to know your facts. You knew when you went in to see him, he certainly knew the facts and the law.

Mr. SHAYS. I would just say that he is part of an incredible family, the Bailey family. John Bailey, his father-in-law, the chairman of the Democratic Party in Connecticut, in fact brought that Democratic Party from minority status to extraordinary majority status, helped elect the first Jewish Governor, the first woman Governor. He was all part of this incredible family.

There is a real loss in Connecticut with the passing of Jim Kennelly. I thank both my colleagues for allowing me the opportunity to really say something that I feel very deeply about.

Mr. GEJDENSON. Before yielding to the gentleman from Indiana [Mr. BURTON], I must add that Chairman Bailey was also national chairman under President John Kennedy.

Mr. SHAYS. He sure was.

Mr. GEJDENSON. This was a family, on the Kennelly and the Bailey side, that had an incredible impact on the country.

Mr. BURTON of Indiana. Just briefly, and I thank the gentleman for yielding. I only met Mr. Kennelly a couple of times, but whether we have philosophical or political differences around here or not, we are all family. Once you go through the wars like we have, we build up a very strong mutual respect for one another, even though we do have those differences.

BARBARA KENNELLY is one of the finest people I know in this Chamber, and her husband likewise was a fine person. On behalf of the people who are not here tonight on our side of the aisle, we want to express our condolences to her and her family. I know this is a very difficult time. As part of the House of Representatives family, we want to express our concern for them.

Mr. SHAYS. If the gentleman would just yield so I could express my admiration and love for Barbara Kennelly, and let her know that everyone on our side of the aisle has extraordinary respect for her and hopes that the next few days are as easy as possible for her.

Mr. GEJDENSON. I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding and for taking this special order mourning the loss of Jim Kennelly and extending our condolences to our colleague.

As a fellow graduate of Trinity College, Washington, DC, as our colleague BARBARA KENNELLY is, I know how important her family is to her, how much she loved her husband, how proud her mother is of her entire family and this proud tradition that the Bailey family and the Kennelly family have brought to Connecticut, indeed to the entire country.

I hope it is a consolation to BARBARA that so many of her colleagues express their love and admiration for her tonight. As was said this morning, as we mourn the loss of those who die, in this case Jim, let us thank God that he lived.

Ms. DELAURO. I just wanted to add that I said I did not serve with the Speaker because I did not serve in the Connecticut State Legislature. But given where Jim Kennelly was in the firmament of Connecticut politics, and John Bailey, if the walls could tell stories, I think it would be pretty wild.

In fact, I think Connecticut has lost a piece of its history today. We all want BARBARA to know that she too and her family are Connecticut's history, part of the history of this body here, and that it is a tribute to her and to Jim to have so many of her colleagues on their feet tonight loving and being with her in spirit and thought and prayers.

Mr. GEJDENSON. Mr. Speaker, I would just close by saying the family, the Kennelly children and the Baileys, Jim's other relatives, that we all give them our deepest sympathies, but to say that for Jim, his legacy are his accomplishments.

As Speaker of the Connecticut House, he molded every piece of legislation that went through it. He was an active Speaker that led the issues, fighting for change, and improving Connecticut's cities and its citizens' lot. For that he will always be remembered by the rest of society; by his family, of course, as their father and husband. We will all miss him.

The SPEAKER pro tempore. The Chair joins with all Members of the House in expressing our deepest condolences to Congresswoman KENNELLY and her family.

SAY WHAT IS TRUE

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, out West the predominant church out there in one of the States sings a song that says, "Oh, say what is true." What a refreshing statement, that you should always say the truth.

When I was a freshman around here in 1981, I remember distinctly getting a fundraising letter from an organization, and they wrote to me and they said, if you will only send us some money, $10, $20, $30, $40, $50, we will be in a position to take care of the Chesapeake Bay which then-Secretary of the Interior Jim Watt is polluting. We can take that money and we can step in and we will save Chesapeake Bay.

Strangely enough that afternoon Secretary Watt had an appointment with me. He came in the office. I showed him the letter. He got a good laugh out of it and he said, how ridiculous. He said, in effect, we are putting a lot of money into the Chesapeake Bay to take care of it. Out of curiosity, though, I sent them some money and about 6 months later I got an interesting reply that said out of your generosity, Mr. HANSEN, we were able to save Chesapeake Bay from the ravages of Secretary Watt and all the rotten things he was going to do.

We all know in reality that he did nothing to the bay. In fact he put the

money into it, but it was a whale of a good fundraising letter.

I think that the American people should realize, Mr. Speaker, that this is the oldest fundraising trick in the book. Create a straw man and knock it down. I thought it was interesting today, because sent to me from the great State of Utah is a letter, and this letter comes from a man by the name of Robert Redford from Sundance, UT, kind of a familiar name around the United States, and he is sending out a fundraising letter and Mr. Redford is asking basically the same thing as these folks did on Save the Bay.

I will not bore the House with all of the things that are in it, but he says.

Incredibly the new leadership in Congress is ready to break this longstanding contract. They want to begin selling off our natural heritage to private commercial interests in order to raise a few quick bucks under the pretext of deficit reduction. Our national parks would be closed down like military bases.

I am sure that Mr. Redford is a little misguided here, but here is the bill he is referring to, H.R. 260. Page 13 of the bill, as we used to say around here, and in State legislatures and in county commissions and even the third-class cities, when all else fails, read the legislation.

Let me read it, for all these people who are trying to come out with a national park closing bill:

"Nothing in this act shall be construed as modifying or terminating any unit of the national park system without an act of Congress," the way it has been for almost 200 years.

He goes to say, "Our national forests would be sold off and logged." Pray tell, where is the bill? Can somebody bring the bill up, give me a bill number and show it to me? I am the chairman of that committee. I am the one that handles all the public land, national forest, parks. Where is the bill? I want to see it. But, of course, this will be a great one to raise a few bucks.

Our wildlife refuges would be opened to destructive oil and gas development. Name the wildlife refuge in America, Mr. Redford. Where is it? There is only one that I am aware of and that happens to be Anwar in Alaska, of 19 million acres, and Mr. YOUNG, the chairman of the full Committee on Resources, wants an infinitesimal part of that to be used for exploration of fossil fuels. But where in the lower 48 or Hawaii or Guam, the Virgin Islands, or Puerto Rico, where is it? I would like to know where it is, but I am sure that will hit the hot button with a few folks and they will come up with it.

Hundreds of millions of acres of scenic lands would simply be given away. Where is that bill? I do not know. Every piece of legislation, the Park Service, the BLM, the Forest Service, every one of them has a management plan, and nobody but nobody is giving away any private ground at this particular point.

Well, another one says, "Here in Utah, we would lose 20 million acres overnight. That's two-thirds of all our federally protected lands, under legislation that is now before Congress." What is the bill number? Where is it? Who is sponsoring the bill? As the old Member from Utah, I would sure like to know where that bill is.

I have nothing against Mr. Redford. He has a right to do that. But come on, now, folks, let us be reasonable about this. If we are going to do it, let us go back to that old Mormon song, "Oh, say what is true." What a refreshing thing to do. Would that not be nice if in all America the politicians did that?

I still remember all the people on Social Security who call in and say, gee, I got a letter from a past Congressman and he thinks Social Security is going to be gutted, but if you will give $10, $20, $30, $40, $50, we will save that legislation. I have not been around here as long as a lot of folks but 15 years, and I will tell you most of that legislation is saved right now.

Mr. Speaker, I have a lot more examples here, I can see I have used my 5 minutes, but I would surely hope that people are wise enough, prudent enough, and have enough judgment to realize when they get these letters, are they predicated and grounded in truth or are they just some way to pick up a fast buck for a lot of people?

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I hope all my California people right now are watching me and listening to me today, especially senior citizens, because I would like to talk about Medicare.

I am deeply concerned about all this rhetoric that is going on, frightening senior citizens by twisted information and disinformation. I would like to get the facts straight tonight.

I was an engineer all my life. I have been dealing with the facts, numbers. I used to get straight A's in all the math and physics. Tonight I am going to talk about facts again and perhaps dealing with the simple numbers.

All this rhetoric that is going on, saying that we give millions and millions of dollars tax credit to rich people at the expense of senior citizens by cutting Medicare spending. Let me get this straight. Give a tax credit to rich people? Let me get a little chart here.

The tax cut we are talking about is $500 tax credit to the child support, $2,000 for child adoption. That is what we are talking about. The tax credit is coming from a non-Medicare spending cut, roughly $622 billion, the money is coming from this fund. Not the Medicare money, not the Medicare trust fund.

By doing this, we can save $377 billion for deficit credit. By giving a tax credit to child support, we can stimulate the economy, thus create more jobs and more revenue to Government.

Besides, Congress passed an amendment to the Medicare bill to prohibit transferring any money from Medicare to other funds. It is illegal to transfer money from Medicare to other general funds. It cannot be done. So how can they say that we are giving all the million-dollar credit to rich taxpayers at the expense of a Medicare cut? That is absolutely false. It is not true.

The second argument is that we are cutting too fast too much. That is another rhetoric that I cannot accept. Let us talk about that quickly. Too fast. What do you mean by too fast? Because according to the Medicare trust fund report, Medicare will be bankrupt in 7 years. We have got to save it.

Oh, yes, we have a plan, a counterplan to extend it out to 10 years, same general plan. But if Medicare is bankrupt in 7 years, how can you save it in 10 years? Let me show a little chart to show what we are doing.

We are talking about cutting too fast too much. Here it is.

□ 1915

Right now, the Medicare part A has been financed by payroll taxes. You pay half; your employer contributes the other half.

Is it fair to you that we have to raise the taxes so you can subsidize the existing Medicare plan? Of course not.

Let us take a look at the part B. This is what you are paying. The beneficiary only pays 31 percent. Other taxpayers are subsidizing by 68 percent. In other words, beneficiaries only pay one-third, and other taxpayers have to subsidize by two-thirds. It used to be half and half. It keeps going up. If you do nothing, within 7 years the beneficiary will only pay 18 percent; the other taxpayers have to subsidize by 82 percent. Is it fair, asking other taxpayers to pay almost 90 percent of the Medicare plan? Of course not.

All we are trying to do is maintain this relationship, one-third paid by the senior citizens, two-thirds paid by the other, younger taxpayers. We feel that is fair. We would like to maintain that same proportion, same 31, one-third, and two-thirds relationship.

They call that a cut. Is it really a cut, trying to maintain the same ratio of one-third, two-thirds? Is it really cutting too much to try to maintain the same ratio?

Right now, the Medicare price has gone up out of control. Part B last year alone has gone up 12 percent while the private plan only has gone up 1.5 percent. The price is out of control.

There is so much waste and fraud going on in the Medicare system. That is why we try to correct it, try to save

the Medicare from bankruptcy. It is fair to everybody, fair to the younger generation as well.

Again, I would like to readdress again to my Democrat colleagues who argue $270 billion Medicare savings is too much. They believe that $90 billion is enough to save the system. Let me tell you, their plan would leave Medicare with a $300 billion deficit just at the time the first wave of baby boomers reach retirement. This is going to be chaotic when the baby boomers decide to retire.

This Democrat plan will not work. We have got to do something now. Of course, it is better not to do anything and let it bankrupt it. But they are not going to get a quick decision.

I think that solving the Medicare problem is difficult now. But imagine when the baby boomers hit, it is going to be really chaotic.

Again, we are not cutting Medicare to provide a tax cut for the rich. We are not cutting too much too fast. Instead we are trying to save the Medicare from bankruptcy to preserve fairness for the working families.

AMERICAN DIES IN CUSTODY OF PALESTINIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I hope all of my colleagues who are here will listen to what I am going to read to them. A man named Mohammed Rahim Mosleh, an American citizen, was picked up for questioning Wednesday at a cafe by plainclothesmen who identified themselves as agents of Jericho's preventive security police on the West Bank, now the new domicile of the Palestinian Liberation Organization.

He was picked up. He was dressed only in his trousers when his body was returned today at 2:00 a.m.

Now get this, my colleagues, his forehead was bruised blue, his lip was torn open, blood had flowed from one ear, and there were what appeared to be burn marks on his right foot, like cigarette burns, according to family members.

Palestinian security officials speaking on conditions of anonymity, said Mosleh was overcome by the 98 degree heat in Jericho and had a heart attack. Get that, he had a heart attack with his head smashed in, his lip bleeding, his blood coming out of his ear and burn marks on his feet.

A doctor at Jericho's hospital, where Mosleh was dead on arrival, refused to issue a death certificate. The certificate would normally include a cause of death.

Witnesses said Mosleh was playing cards at a village coffee shop when six men identifying themselves as preventive security agents for the PLO approached his table Wednesday and invited Mosleh outside. They said they were investigating a theft of gold from his sister and asked him to come with them to Jericho. When he did not return that night, his wife and two of his sons drove to Jericho on Thursday to ask about him. Preventive security agents twice told them to come back later, assuring them that Mosleh was there.

On the third trip, another agent said preventive security knew nothing about his whereabouts.

Now, I am for the peace process in the Middle East. We all want there to be peace in the Middle East, and we want it to work out between the Israeli Government and the PLO leader, Yasser Arafat, and the PLO forces. But here is an American citizen that was tortured to death, and nobody is doing anything about it. This is an American citizen who had his head bashed in, his lip torn open, beaten in the ear so severely that blood came out of his ear, and burn marks on his feet. He was tortured to death, and nobody is doing anything about it.

To add insult to injury, we are going to give the PLO $500 million over the next 5 years. Now, I am for the peace process. But this kind of baloney has to stop, and so I say to the State Department and to the President and anybody else who has any authority over this peace process over there, we want a full accounting of this man's death and those who perpetrated this atrocity must be brought to justice.

If we do not get justice, then we ought to cut off that $500 million in aid we are giving them. There should be severe conditions, in any event, put on that aid.

[From the Washington Post, Sept. 30, 1995]

AMERICAN DIES IN CUSTODY OF PALESTINIANS

(By Barton Gellman)

EIN YABROUD, WEST BANK, Sept. 29.—A Palestinian American grocer on vacation from Dallas was returned dead to his wife and family here early today after about 36 hours in custody of security police in the Palestinian self-rule enclave of Jericho.

Members of his immediate family said Aram Mohammed Rabim Mosleh, 52, picked up for questioning Wednesday at an Ein Yabroud cafe by plainclothesmen who identified themselves as agents of Jericho's Preventive Security police. Mosleh was dressed only in trousers when his body was returned today at 2 a.m. His forehead was bruised blue, his lip was torn, blood had flowed from one ear, and there were what appeared to be burn marks on his right foot, according to family members who saw him.

Palestinian security officials, speaking on condition of anonymity, said Mosleh was overcome by the 98-degree weather in Jericho and had a heart attack. A doctor at Jericho's hospital, where Mosleh was dead on arrival, refused to issue a death certificate. The certificate would normally include a cause of death.

Mosleh is at least the fourth person—the first holding a U.S. passport—to die in suspicious circumstances in the hands of the Palestinian self-rule security establishment.

Although the time of death could not be pinned down precisely, Mosleh appears to have lost his life within hours of Thursday's White House appearance by Palestinian leader Yasser Arafat for the signing of an accord extending palestinian rule in the West Bank. The Jericho forces are responsible to Arafat.

One American official said the U.S. consul general in Jerusalem would place "tremendous pressure" on the Jericho forces for an independent investigation into Mosleh's death, and said the FBI would take part, as it sometimes does in foreign cases involving Americans to establish if there was any political motivation against the United States.

"This will be an enormous embarrassment for Arafat in Washington," the official said.

A report last month by the Israeli human rights group B T selem found a "greatly disturbing picture" of "gross human rights violations" by the Jericho-based security police. Some of those interrogated and released have told of being beaten and tortured with electric prods, hit cigarettes and burning plastic.

John Bargeron, deputy consul general in Jerusalem, was said to be planning a trip to Jericho on Saturday to meet with the chief of Palestinian forces there. He planned to ask about unconfirmed reports that another Palestinian American had been arrested with Mosleh and remained in custody.

This village near Ramallah, about 12 miles north of Jerusalem, has an unusually large number of American citizens. Many of the men, like Mosleh, live and work in the United States. They send money to their families here and return for one or two months a year.

Mosleh was no stranger to controversy. Two years ago, Israeli police arrested him on suspicion that he had killed two Palestinians in the West Bank. They held him eight months, according to U.S. diplomatic officials and Asid Mosleh, his oldest son. The Israelis released him without charge.

Mosleh then returned to Dallas, where he owns a grocery store. The business made him wealthy by the standards of Ein Yabroud, where he was nicknamed "the millionaire," the Associated Press reported. He arrived here for a visit last month at his fortress-like and palatial family * * *.

"Anybody can have a heart attack," said Wahid Hussein Mosleh's brother-in-law, who said the family did not want further trouble with Preventive Security.

Witnesses said Mosleh was playing cards at a village coffee shop when six men identifying themselves as Preventive Security agents approached his table Wednesday and invited Mosleh outside. They said they were investigating a theft of gold from his sister and asked him to come with them to Jericho.

When he did not return that night, his wife and two of his sons drove to Jericho on Thursday to ask about him. A Preventive Security agent twice told them to come back later, assuring them that Mosleh was there.

One their third trip another agent said Preventive Security knew nothing about Mosleh.

A preliminary investigation by U.S. diplomats suggested today that Mosleh was handed over by Preventive Security to the Mukhabarat. One Preventive Security representative told a U.S. field investigator that his service had obtained a "receipt" for the prisoner.

PLO VIOLATIONS OF THE PEACE ACCORDS

1. The PLO does not halt terrorist attacks by PLO members.

2. The PLO has not disciplined PLO members who engage in terrorism.

3. The PLO continues to preach hostile propaganda against Israel.

4. The PLO still has not changed the PLO Covenant, which denies Israel's right to exist and calls for its destruction.

5. The PLO has failed to urge Palestinian Arabs to reject anti-Israel Violence and terrorism.

6. The PLO has failed to honor Israel's requests for the extradition of terrorist suspects.

7. The PLO hires fugitive terrorists for its police force. (More than 20 fugitive terrorists have been hired by the PLO police force.)

8. The PLO has not adhered to the agreed upon limits concerning sovereignty issues.

9. The PLO fails to condemn terrorist attacks. (Between June and November 1994, there were at least 72 Arab terrorist attacks on Israelis. Arafat did not explicitly condemn any of these attacks.)

10. The PLO does not respect human rights in Gaza and Jericho.

11. The PLO operates in Jerusalem in direct violation of the accords.

12. The PLO fails to prevent incitement by organizations within its jurisdiction. It has not banned Hamas or Islamic Jihad.

IS THE PLO REALLY BROKE?

("The conglomeration of Palestinian movements under the umbrella of the Palestine Liberation Organization are the richest of all terrorist groups. It is estimated that they have worldwide assets approaching 10 billion U.S. dollars and an annual income of about 1½ to 2 billion U.S. dollars."—report by the United Kingdom's National Criminal Intelligence Service (NCIS)).

A FEW OF THE PLO'S HOLDINGS

The PLO has bank accounts around the world.

The PLO has a partnership in Nigeria Airways.

The PLO owns the duty-free shop at Nuratala Mohammed International Airport in Lagos.

The PLO controls Air Zimbabwe.

The PLO controls Kenya Airways.

The PLO owns the duty-free shop at Jomo Keynatta Airport in Nairobi.

In Nicaragua, 25% of the national airline Aeronica is PLO owned.

The PLO owns a substantial share of the duty-free store at Nicaragua's "Aeropuerto Internacionale Las Nercedas."

Mr. Arafat, a billionaire, owns twelve homes and three airplanes.

PLO COMPLIANCE AND FINANCING

The Clinton administration is providing $500 million to the PLO.

This funding has to be authorized by Congress.

The Senate, under pressure from the Clinton administration, is preparing a long-term authorization of this funding, with almost no strings attached.

This is a scandal of major proportions; as conservatives, we must do something to stop it.

According to the British National Criminal Intelligence Service [NCIS], the PLO is hiding assets of $7 to $10 billion.

The PLO is in major violation of their agreements with Israel—they continue to support terrorism. Arafat, in his speeches, continues to praise terrorists. The PLO refuses to hand murderers over to Israel, as they are obligated to do by the accords.

The PLO is misusing funds from foreign donors and is engaged in massive fraud. Authenticated documents proving that donor funds have been used for a host of illegal activities.

[From the Center for Security Policy, Sept. 27, 1995]

WE'RE "SHOCKED, SHOCKED": ARAFAT BITES THE HANDS TRYING TO FEED HIM $500 MILLION IN U.S. FOREIGN AID

WASHINGTON, D.C.—In an extraordinary display of ingratitude, not to say intemperateness, Yasser Arafat's Palestinian Authority (PA) recently repudiated legislation aimed at ensuring its continued access to hundreds of millions in U.S. tax-dollars. On 23 September 1995, the PA's "Ministry of Information" issued a press release excoriating a legislative initiative sponsored by Sens. Jesse Helms and Claiborne Pell, the chairman and ranking member respectively of the Senate Foreign Relations Committee. The Helms-Pell legislation was adopted last week by the United States Senate as an amendment to the Fiscal Year 1996 Foreign Operations appropriations bill.

Without mentioning the amendment by name, the Palestinian Authority heaped vitriol on the preconditions imposed by the Helms-Pell amendment on further disbursement of the $500 million that president Clinton pledged to Arafat two years ago. Its release declared, in part:

"The American decision to extend financial assistance to the Palestinian National Authority contradicts any accepted practice. This decision that was taken while handcuffed (sic) with heavy chains of conditions. It is provocative and insulting to the Palestinian national feelings. The decision is a flagrant intrusion in internal Palestinian matters. . . The American Congress has placed at the very heart of its conditions the closing of Palestinian institutions in Jerusalem and the cessation of support by the Palestinian National Authority for these institutions. This exposes the true face of American policy towards the Holy City, a policy that supports and assists further Jewish occupation of Jerusalem, its annexation to Israel and it further confirms Israel's claims that Jerusalem is its united, everlasting capital. . .

". . . The American Congress has relinquished the American role as a sponsor of the Declaration of Principles and declared its absolute partiality in the interest of the worst and most damaging of Israeli interpretations, by rushing ahead more than the Israelis themselves have done when they [members of Congress] demanded the canceling of some articles in the Palestinian National charter and when they demanded Palestinian co-operation with Israel in surrendering wanted Palestinian citizens to it despite the fact that this demand violates the signed agreements between the PLO and the government of Israel. . ."

"The conditions that the American Congress demanded will not find anyone to respond to them. The members of Congress, who do not respect international legitimacy, will not need to wait six long months because the Palestinian people will not barter their rights for all the money in the world." (Emphasis added.)

ARAFAT NEVER PROMISED YOU A ROSE GARDEN

What makes you such vitriolic attacks particularly stunning is the fact that they are basically directed at two senior Senators who have gone to great lengths to protect the PLO/PA from the sort of real conditions that many Americans believe are in order. In light of Arafat's continuing support for terrorism against Israel, his failure to comply with other commitments under the Declaration of Principles and his diversion of international aid to personal and political purposes inimical to real peace, a powerful case can be made for denying any further distribution of the roughly $350 million yet to be disbursed to the PA.

Congressional leaders, and Senator Helms in particular, have come under enormous pressure from the Clinton Administration, the Israeli government of Yitzhak Rabin and the American Israel Public Affairs Committee to keep the aid flowing to Arafat, such problems notwithstanding. In the end, Senator Helms was induced to set aside his instinctive—and well-founded—opposition to undisciplined foreign aid and to those who support international terrorism. Instead, he lent his name to a foreign aid bill for the PLO/PA whose conditions were deliberately crafted with sufficient ambiguity and/or loop-holes to meet with Arafat's approval and to allow hundreds of millions of additional tax-dollars go to his organizations.

THE BOTTOM LINE

The simple truth is that two years after the Oslo I agreements were signed, efforts to moderate Yasser Arafat's behavior through financial, political (and, in the case of Israel, territorial) concessions have not had the desired effect. Instead, such concessions in the face of continued Palestinian gangsterism appear only to have encouraged more of the same. For example, last week, even as the Congress was considering the Helms-Pell legislation, Arafat used interviews with the Egyptian and Jordanian press to affirm that the Oslo agreements are implementing the notorious "plan to phases" adopted by the PLO in 1974. Phase I involves obtaining territory from Israel via negotiation; Phase II will use that territory to launch a final campaign for the destruction of Israel.

Fortunately, Congress has an alternative at hand to such appeasement. Legislation has been introduced in both the Senate and House that would mandate a complete cutoff of funding for the PLO/PA. This bill, known as the Middle East Peace Compliance Act and sponsored in the Senate by Sens. Alfonse D'Amato, Richard Shelby and Larry Graig and in the House by Reps. Michael Forbes, Jim Saxton and Tom DeLay, would allow continued aid to go toward legitimate, monitorable and private humanitarian projects in Palestinian-controlled areas—provided the PLO honors its commitments.

The Center for Security Policy urges Senator Helms and others affronted by Yasser Arafat's imperiousness to substitute the real conditions called for by the D'Amato-Forbes bill for the ersatz conditions of the Helms-Pell legislation. As the attached op.ed by Center for Security Policy director Frank J. Gaffney, Jr. published in today's Newsday makes clear, Israel is not the only nation with stake in the quality of such conditionality. America's not vital interests dictate that the United States must make every effort to avoid rewarding PLO support for terrorism and other non-compliance.

FIRE PREVENTION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I rise today as the Nation celebrates Fire Prevention Week to speak about a fire cause

that affects every American no matter where they live. I am referring to the act of arson.

The United States Fire Administration's Annual Report to Congress states that in 1994 arson continued to be the second leading cause of fire deaths in residences and the leading cause of dollar loss from fire. Each year 1,000 people die from an estimated 332,000 arson fires. Direct property loss is in excess of $1.6 billion. Since 1984 arson fire deaths have increased 33 percent.

Unfortunately, West Virginians were not spared from the scourge of arson. That same report indicated that 18.4 percent of all reported fires in West Virginia were caused by arson, with losses exceeding $1.6 million.

As a member of the congressional Fire Services Caucus, I was proud to support the Arson Prevention Act of 1994 which passed the 103d Congress and was signed into law by President Clinton. This legislation enable States to conduct meaningful programs to combat arson.

During Fire Prevention Week we must pause to consider how all of us, not just the fire service, can work toward making all Americans safer from the ravages of fire.

The American people should be enraged about the tragic cost to lives and property from this preventable cause of fire.

I am pleased to report, Mr. Speaker, that the International Association of Arson Investigators is working tirelessly to combat this crime in all its forms. I am especially proud of the West Virginian Chapter of the International Association of Arson Investigators. This dedicated group provides training to police, fire, and insurance investigators on how to better detect arson in our State. They also work to educate our citizens about how arson hurts everyone.

Let us then pause, Mr. Speaker, during Fire Prevention Week to honor all those men and women dedicated to fighting the war against arson and urge all Americans to support their efforts.

TAXES AND MEDICARE

Mr. Speaker, turning to another topic, I would like to talk a little bit about taxes and the sleeper issue that is coming up in the next couple of weeks.

What I want to do is to talk about we hear a lot about Medicare and Medicaid, but it is taxes that are also very important for West Virginians, where we are finding out more and more as we analyze the budget proposals that will be coming in the next couple of weeks in the Republican leadership's proposals. We are seeing there is a tax increase for thousands of working West Virginia families, middle-income and lower-income working families.

First, Mr. Speaker, it may be difficult for you to see this chart, but if you look, what this says is who benefits from the GOP tax cut. That is my first chart. If you can see the red, the red says that people, and this is people earning over $100,000 or more, this is the percentage that they get from the tax cut where they get over 52 percent of the tax cut that goes to those earning over $100,000 or more. The little blue sliver are those people earning $30,000 or less. Those people, incidentally, get 3 percent of the benefits of the tax package. So these are the folks over $100,000 a year, they get 52 percent of the total package; $30,000 or below, they get 3 percent.

Now let us flip it and see what happens to West Virginia taxpayers. Here we have the people making the blue portion, the people making $30,000 or less comprise 68 percent of our State's population. So this blue portion, which is almost 70 percent of our State's population, gets less, gets about 3 percent of the total tax package. This little red sliver, and I know you probably cannot see it because it is almost infinitesimal, that is the 1.5 percent in our State that earn over $100,000 a year. Mr. Speaker, they are going to get 52 percent of the tax package. It is totally skewed, as you can see.

Mr. Speaker, I would also point out that because of the rollbacks in the earned income tax credit that goes to working families under $24,000 a year, that in West Virginia someone making under $10,000 a year, basically working at minimum wage, will actually see a $9 increase in their taxes while someone earning over $100,000 a year will see a $2,400 tax cut. That certainly seems to me not to be equitable, not to reward work, not to try and get money to the middle income that I think everybody agrees has been the group most strapped.

I hope these changes certainly can be addressed.

MEDICARE PRESERVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, today our House Committee on Ways and Means passed the Medicare Preservation Act to save Medicare, to keep the Medicare system solvent until the year 2010 and to let seniors have more choices in health care plans.

Our legislation keeps Medicare solvent, as I said, and lets seniors stay in the current fee-for-service system or choose a HMO, a preferred provider network or a medical savings account.

Why should seniors not have the same choices in health care that every other American has?

Mr. Speaker, also it is important to point out that this legislation increases Medicare spending about 6.5 percent a year, which means the average Medicare beneficiary will receive $4,800 this year and $6,700 in the year 2002.

The point I want to make tonight, Mr. Speaker, is that this legislation guarantees, guarantees that none of the Medicare savings will go for tax cuts. They will go into a lockbox to be used only to maintain the long-term solvency of Medicare.

Mr. Speaker, I ask that this article, this opinion piece by the well-respected economist, Robert Samuelson, which was published in today's Washington Post, be made part of the RECORD.

Economist Samuelson points out in this piece in today's Post, and I am quoting now, "Democrats cast Republicans as cutting everything from Medicare to college loans to pay for a tax cut for the rich. That is untrue." That is Mr. Samuelson's words.

To continue "To listen to the Democrats, you would think that every spending cut is needed to provide a tax cut for the rich. They say that Medicare is being cut to help the wealthy, to provide a tax cut for the rich." Mr. Samuelson goes on to say, "Perhaps this makes good rhetoric, but it flunks first-grade arithmetic."

Let me continue reading from this column: "In the Republican budget, spending is cut $900 billion over the next 7 years. This is in the total budget. That is nearly 4 times the size of the tax cuts." Mr. Samuelson goes on to say: "The Democrats are double, triple, and quadruple counting spending cuts as an offset to the tax reduction. Even a 1-to-1 count, that is, $250 billion in spending cuts for $245 billion in tax cuts, is a stretch," and then Mr. Samuelson goes on to explain in an academic, analytical, truthful way what we are doing.

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He explains that under the congressional budget resolution, the Republicans cannot enact a tax cut until the Congressional Budget Office certifies that our plan would balance the budget by the year 2002. Once that happens, the CBO assumes that interest rates will drop and economic growth will increase. In turn, these changes improve the budget balance by $170 billion between now and the year 2002.

So from the balanced budget that we are putting forth here in Congress, interest rates will drop, economic growth will increase to the tune of $170 billion, and in these extra savings will the tax cut be paid.

At least 70 percent of it will be paid from growth in the economy. So I think, Mr. Speaker, it is important that we get to the facts and the truth in talking about what we are doing with respect to Medicare. Nobody is cutting Medicare to provide any tax breaks whatsoever. What we are doing is balancing the budget in a responsible way. We have already provided for the

tax cuts in today's legislation. To preserve Medicare is a big step forward, not only for the seniors of this country, but for future generations as well.

Mr. Speaker, I include for the RECORD the article quoted from.

[From the Washington Post, October 11, 1995]

BUDGETARY BOMBAST

(By Robert J. Samuelson)

The tax debate is a triumph of political rhetoric over common sense. Republicans and Democrats alike portray the Republicans' proposed tax cuts—$245 billion between 1996 and 2002—as bigger and more important than they are. Each side has its reasons. Republicans say they're providing major tax relief for most ordinary Americans. Not true. Democrats cast Republicans as savagely cutting everything from Medicare to college loans to pay for "a tax cut for the rich." That, too, is untrue.

Just for the record, reject both the Republican tax cuts and the Democrats' critique. Lower taxes, in my view, shouldn't come until the budget is balanced. People should feel the price of government: taxes paid for services received. When the two are split, government becomes lax, because the price of more government is falsely seen as zero. But we are far beyond such a principled debate. Even Democrats advocate tax cuts, arguing that their plan is fairer. The debate gushes partisan cliches.

Start with Republican myths. The $245 billion sounds like a huge tax cut. It isn't. Recall that it occurs over seven years. In this period, the Congressional Budget Office estimates that federal taxes (before the cut) will total $12.8 trillion. The $245 billion cut is about 1.9 percent of that. Of course, some people will get more. The plan's centerpiece is a $500 tax credit for every dependent child. A family with moderate income (up to say $40,000 to $50,000) and two children would receive a noticeable tax cut.

But about half of families have no children, and nearly 30 percent of households are singles. Even for higher-income families with children, the effect of the child tax credit would fade. (In 1994 a two-parent family with two children and $75,000 of income paid about $15,000 to $16,000 in federal taxes.) And the rest of the tax cut—Congress is still working on details—is splintered among many, highly symbolic reductions.

Consider the most controversial proposal: a capital gains tax cut. Capital gains are profits from the sale of stocks, bonds and other assets. Now, these profits are taxed at a maximum of 28 percent. The House Republicans would reduce that to 19.8 percent, arguing that a lower rate would spur investment and risk-taking. Gee, there's already an investment boom, with ample risk-taking. The present capital gains tax isn't a major obstacle. A reduction would mostly benefit wealthier Americans by increasing their profits from the sale of existing stocks and bonds.

Although the Republican myths are outrageous, the Democratic myths are worse. To listen to Democrats, you'd think that every spending cut is needed to provide a "tax cut for the rich." Medicare is being cut to help the wealthy: so are Medicaid, the school lunch program and welfare. The litany is endless. Perhaps this makes good rhetoric, but it flunks first-grade arithmetic.

In the Republican budget, spending is cut about $900 billion between 1996 and 2002 from the levels under present law. That's about 6.2 percent of what the CBO reckons would be spent and nearly four times the size of the tax cut. The Democrats are double, triple and quadruple counting spending cuts as an offset to the tax reduction. Even a one-for-one count ($245 billion of spending cuts for $245 billion of tax cuts) is a stretch. Here's why.

Under the congressional budget resolution, the Republicans can't enact a tax cut until the CBO certifies that their plan would balance the budget by 2002. Once that happens, the CBO assumes that interest rates will drop and economic growth will increase. In turn, these changes further improve the budget balance by about $170 billion between now and 2002. It is these extra savings that, in theory, mainly finance the Republican tax cut. They account for about 70 percent of the total.

The point is that—without a huge tax increases, that almost no one favors—the Republican spending cuts are needed simply to balance the budget. If the Democrats don't want to balance the budget, they should say so. If they have $900 billion of other spending cuts, they should say so. But their endless carping about the "tax cut for the rich" merely disguises their own unwillingness to confront the budget deficits. Republicans have made some unpopular choices about government; Democrats have not.

It is not that Republican choices are beyond criticism. Their plan to curb the Earned Income Tax Credit, which provides tax relief for the working poor, is mean and would shrink the net tax cut substantially. But the tax cut is not mainly a giveaway to the rich. Its effects are spread along the income distribution. Even if it were approved, the well-to-do would continue to pay most federal taxes. In 1994 the richest fifth of Americans (a group that begins at about $75,000 of family income) paid 59 percent of federal taxes.

The trouble with the Republican plan is that it has warped the budget debate. Democrats have succeeded, temporarily at least, in turning it into an old-fashioned argument about class, when it ought to be about redefining the role of government. There are legitimate disagreements here, and they ought to be aired. But it is not true—as Democrats imply—that the whole process is being driven by a crass desire to aid the wealthy.

Ideally, Republicans would postpone tax cuts. Congress should discipline itself and see if a projected balanced budget actually occurs. The prospect of future tax cuts would also dampen the temptation to undo some spending cuts. But the Republicans aren't likely to delay the tax cut, in part because they fear that doing so would trigger a voter backlash. This could be true, despite polls showing that tax cuts rank behind deficit reduction in popularity. Americans are so cynical about politics that they'll seize almost any reason to vindicate their cynicism.

But there is a next-best policy: strip the tax cut to its bare political minimum, the child tax credit. The cost would drop sharply (to about $163 billion over seven years, which is almost exactly the size of CBO's expected "dividend" from balancing the budget). And it would be much harder to attack as a giveaway to the rich. The result would be to refocus the budget debate where it belongs: on what government should—and shouldn't—do.

FACTS BEING OVERLOOKED ON PROPOSED TAX CUT

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, there has been so much talk lately about the proposed $245 billion tax cut that some key facts are being overlooked or lost in all the political rhetoric.

First, this is not an all-at-once cut. It is spread over 7 years. This comes out to $35 billion per year. This amounts to slightly less than 2 percent of Federal spending over this period. Federal spending has gone up almost 300 percent since 1980. The first Reagan budget was $581 billion. We are at a figure almost triple that now, and will be at more than triple that during this 7-year budget period; in other words, a 300 percent increase in Federal spending in the last 15 years, while inflation during that time has averaged about 3 percent a year, or roughly 45 to 50 percent over that period.

Federal spending, in other words, Mr. Speaker, has increased at a rate roughly six times the rate of inflation over this period. Surely it is not asking too much for Federal bureaucrats to give back 2 percent a year when they have had such whopping increases, and an almost 300 percent increase over the last 15 years.

Federal taxes now take almost half of the average person's income. We are talking about the average person here, not the wealthy, but almost half of the average person's income when you consider taxes of all types: Federal, State, local, sales, property, income, gas, excise, Social Security, and so forth. When you consider the indirect taxes that we all pay in the form of higher prices because corporations do not pay any taxes, they have to pass their taxes on to the consumer in the form of higher prices for shirts, tires, shoes, food or everything that we buy.

Second, most of this proposed tax increase, over 70 percent, would go to people making less than $50,000 per year. Somehow we never hear about that.

Third, one of our leaders, the gentleman from Texas [Mr. ARMEY], has proposed a flat tax which would totally exclude all income under $38,000 for a married couple and $26,000 for a single person. In other words, most of the people I represent would be totally excluded from Federal income taxes. They would still have to pay other taxes, but what this really means is that the position of most Republicans is that we would exclude lower income people from Federal income taxes altogether. Somehow, we never hear about that either.

Now, I voted for the $245 billion tax cut, this 2 percent tax cut. But I also happen to be one of 10 Republicans who voted for a so-called compromise budget which would have put off any tax cut until we get the budget balanced. I am willing to accept less, but we

should not exaggerate this $245 billion tax cut all out of proportion just for partisan political purposes. We should not constantly call this a tax cut for the wealthy, when by far the majority of it goes to middle and lower income citizens.

Our very biased national media is reporting this tax cut in a very biased, very unfair manner. I believe the people of this country know better how to spend their money, far better how to spend their own money, than the bureaucrats in Washington do. I know, too, that even with this proposed 2 percent tax cut, the Federal Government would still be spending over $1.6 trillion, rising to almost $2 trillion over this next 7 years, even if we pass this very modest 2 percent tax cut.+

The choice is simple: Are we going to side with the ordinary, hard working people and give them back 2 percent of their money, or are we going to side with the bureaucrats and say you really do not have to tighten your belts. You have had just a 300 percent increase over the last 15 years, but apparently that is not enough.

Despite the lies, despite the demagoguery, despite the distortions, despite all the propaganda, I believe the people still want us to cut spending and cut taxes and give some of their money, their hard earned money, back to them.

MEDICARE REFORM MUST BE BIPARTISAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, the Ways and Means Committee has finally completed marking up the Republican Medicare reform bill which has had no wide-spread review by all of those to be impacted by such drastic legislation. And as demonstrated throughout this saga, my Republican colleagues have shown a propensity for distorting the truth and stretching the facts. As evidence, I submit the following:

At the beginning of debate, Democrats protested that the Republican majority had delivered a new version of the bill with nine pages of revisions in the morning and had not explained them.

The changes proposed include a stipulation that any savings must be used to shore up the Medicare System, but this has been attacked by critics, as budget gimmickery because much of the Medicare revenues likely can still be tapped for other budget needs, under their plan.

It was brought to the attention of the Nation and the committee that a letter from Health Care Financing Administration head Bruce Vladeck claims the Republican proposal and the Democrats' cutting $270 billion dollars from Medicare plan to reduce Medicare spending by $90 billion over the same timeframe, both would extend the ailing Medicare trust fund to exactly the same date—2006. The question then is why this enormous cut by the Republicans is required.

Ways and Means Committee counsel Charles Kahn conceded during the markup that because of a bill passed by the House earlier this year rescinding a tax under which proceeds were earmarked for the Medicare trust fund, the net Republican savings would extend the life of the trust fund to only 2006, rather than 2010 as the Republicans have been claiming.

The committee's Democratic members unveiled a substitute consensus bill. It would continue to beef up the anti-fraud and abuse efforts, revise the way Medicare pays for graduate medical education, and create new Medicare benefits to pay for increased mammography screening, screening for colorectal cancer, and supplies for diabetics. Republicans rejected separate amendments to include the new benefits.

An amendment by Representative RANGEL to provide tax credits to primary care doctors and other health professionals who agree to serve patients in areas with a shortage of medical personnel was offered in a good faith effort to ensure good health care for all Americans.

Medicare can be reformed in a bipartisan manner. Where are my Republican colleagues to join me in this effort. Do not destroy Medicare.

TRIBUTE TO THE FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BEVILL] is recognized for 5 minutes.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute during National Fire Prevention Week to all the firefighters who do such an outstanding job protecting their communities. They are dedicated professionals working a dangerous job which requires them to put their own lives on the line while saving others. They are true heroes and we certainly appreciate and respect all of them.

I especially want to recognize the volunteer firefighters who work to protect the rural areas where they live. They face unique challenges and risks in protecting large areas. Frequently, they must deal with a lack of equipment, inadequate water supply and not enough well-trained volunteer firefighters.

As you know, a majority of rural fire departments say that improving the water supply is one of their highest priorities. Studies show that residents living in communities with populations of 5,000 or less are almost twice as likely to die in a house fire than residents in communities of 5,000 or more. Compared to city dwellers, rural homeowners suffer more than twice the property loss from fire each year. It is a major challenge for small communities to provide fire protection for area residents, farms and forests and lack of adequate water supply is one of the main reasons.

As we recognize National Fire Prevention Week, we should look for ways at the local, State and Federal level to strengthen the capabilities of our rural volunteer fire departments.

All levels of government must cooperate to help provide essential rural fire protection.

And, as citizens, we must work together to try to reduce the number of fires our firefighters must deal with. As you know, common sense and personal responsibility can go a long way toward the prevention of fires.

SAVING MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 60 minutes as the designee of the majority leader.

Mrs. SEASTRAND. Mr. Speaker, there is good news today. We heard one of the earlier gentlemen tell us that the Committee on Ways and Means voted out our Medicare Preservation Act bill. We are on our way to strengthening and protecting and preserving Medicare.

Besides that good news, one of my colleagues, Mr. SAM JOHNSON, celebrated his 65th birthday today. I know the members of the Committee on Ways and Means congratulated him, and he has come of age now. He is old enough to join millions of other Americans who are on Medicare. I just know that he has not been scared off by many of the criticisms, the things we read about in the headlines and newspaper and we see on television, about attempts that are planned, that the Medicare Preservation Act is heartless and uncaring and so on. The Committee on Ways and Means presented a check for $4,800 to Mr. JOHNSON. I know he will not be cashing it tomorrow. The point is to let not only he know, but other senior citizens in America today who are also celebrating their birthday with Mr. JOHNSON today, that Medicare is going to be there for them.

That is how much we are going to spend this year alone in Medicare, $4,800. The good news is in our plan we are going to increase that over the next 7 years to $6,700. Only can you be in Washington, DC, and so often hear about how we are cutting Medicare, when this is actually an increase.

So what I say to my colleague, Mr. JOHNSON, is happy birthday, and I know that, as I said, we are on our way to preserving and protecting Medicare.

I am going to enter into a conversation with my friend, the gentleman from Minnesota [Mr. GUTKNECHT]. The gentleman also, as I am, is one of those reform-minded freshmen. We came to this House with such hopes and dreams, and we are just plugging away, are we not?

But it is interesting. I was here a few months, and on my desk I found a report in April from the Social Security and Medicare Board of Trustees. I read it, and it said, "If you, Congress," now that is me, I cannot pass the buck, that is me, "if you do not do something about this, we are going to see Medicare go broke."

It is going bankrupt now. I would just like to tell people that I am 54 years old, so I have an interest in this program continuing. My mom is 83. She is probably not going to appreciate my saying that to everyone in the world today, but she is soon to be 84, come this December. She is a Medicare recipient, and she has those concerns, like many of her friends and many of my friends who are at that age and are concerned about costs of health care and such.

So I remember hearing from my mom when she heard the news on television and reading the headlines, "What are you going to do about this?" So I have been talking to her.

The point I wanted to make about being one of those freshmen, my point is to come here and not be part of the problem that we seem to have had for so many years. Obviously many voters also consider there was gridlock in this House. They wanted to see something done. "Do it, do it now." So I have been doing my best, as well as my colleague, to see to it that we do have some solutions to the problems.

I think my concern over the last several months, whether I go to my town hall meetings or my senior conferences, or as I visited health care facilities, nursing homes, convalescent homes, from one end of my district, which incidentally, includes the central coast of California, from Santa Barbara to Paso Robles in the north, it is a very large area, and people are concerned that we are going to do something about it.

So I am hoping as we continue this conversation, we saw the first step taken today to move this legislation through the Committee on Ways and Means, and I hope we can all come together to solve the problem, to preserve and protect it, and put aside all of the rhetoric that we hear, and to assure my 83-year-old mom and her friends and all those people I saw in those health care facilities that are utilizing Medicare right now, that we are going to be there for them and to take the rhetoric out of the situation.

So I would like to ask the gentleman from Minnesota [Mr. GUTKNECHT] if that is what he is hearing from his people? I think we see people, wondering if we are going to do it, "are they really going to reform Medicare?" Some of the other situations, are we going to balance that budget in 7 years, are we going to reform welfare, are we going to give tax relief to our middle-income families?

That is what I am hearing. And they are looking to us, and I am anxious to get on with the situation of passing the legislation and having the discussion with the American people.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman from California. I would just like to say first and foremost, not only are we both freshmen, but I think we both have parents, and parents are both on the Medicare system. They are concerned. And I am concerned as a good son. I want to make certain that my parents get the health care that they need.

But I think also, I come at this also not only as a freshman and as someone who has parents who are on the Medicare system, but I come at this also as a parent of teenagers. So there is a generational responsibility I think we have, not only to our parents, but I think we have a responsibility, and a special responsibility, to our kids. For too long here in Washington, politics as usual was "Well, we will try to patch it over and get past the next election, and then we will worry about it and really solve the problem."

I think the message of last November was that "politics as usual" just is not getting the job done. They wanted people to come to Washington and really look at the problem; take off the partisan glasses, if you will, and look at the problem, and try to come up with solutions that will really solve it long-term, so that we save the Medicare system, for example. Not just to get through the next election, but so that we save the Medicare system for the next generation.

I think that is the charge we were given, and I think up to this point, we have responded appropriately.

Let me just read, if I could, a couple of quotes from that report that you alluded to earlier. This has been said before, but I do not think it can be said too often. The trustees said, "Under all sets of assumptions, the trust fund is projected to become exhausted even before the major demographic shift begins."

What that means is the program is going to go bankrupt even before the baby boomers start to retire. That was what they said on page 3.

They went on to say on page 13, "The fact that exhaustion would occur under a broad range of future economic conditions and is expected to occur in the relatively near future indicates the urgency of addressing the HI fund's financial imbalance."

In other words, we have got a serious problem and we need to get busy now about solving it. And the longer Congress waits, the more they sit and twiddle their thumbs and play politics as usual, the worse the problem will become.

To their credit, I think our leadership here in the House and in the Senate have had something like 36 different hearings, talking about the problem and how we got to where we are. In my district, for example, I have had 33 town hall meetings. I do not know about in your district.

Mrs. SEASTRAND. I have had 30 meetings, a senior citizen conference, and one big Medicare briefing at a hospital that brought in 400 people. So we have all been out in the hinterlands talking to our constituents.

I do not know about you, but I find many people are in the state of denial. It was interesting, just other day an editorial in one of my local papers suggested "Let's just raise taxes and take care of the situation. Why are we worried about this and concerning our seniors and everyone else?"

I would just like to remind people, and I can tell you, I am going to be putting in a letter to the editor in rebuttal to that editorial, that that has been done before. Not too long ago we raised taxes. We can raise taxes until we are blue in the face. Yet the system is broken. It needs to be fixed.

I think this is the important point that we need to get to, the message to our seniors. I do not know about the gentleman, but I found the more people are in opposition to the situation, they are not really understanding what our program is. I think as we talk to people more and more about our program, they seem to say "Well, wait a minute. That isn't what I am reading in the headlines of the newspaper."

I think as we educate people to the situation of what our plan means, Medicare Plus, that we want to give choices, we are going to give increases, I think we are going to take the fears out of our moms and dads. And the gentleman mentioned he has teenagers. I have a 23 and a 25 year old. They are concerned about what the future means. So it is all a matter of education and talking, as we are doing here today, reaching out in our communities, at the town hall meetings, Medicare policy briefings, visiting the nursing homes, as I said before, and trying to get our message out.

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Mr. GUTKNECHT. If I could just join this here, because I really do think the gentlewoman has hit on a very important point, and that is that long-term I believe the facts are our friends. I think the more people get to understand the facts of what we are talking about in terms of where we are now and how we got to where we are now, and the reforms that we are talking about, I think the more people understand the facts of the situation, and I

have found in my town meetings where people begin to understand the direction that we are going, we have found less and less resistance and people begin to appreciate it.

When we talk, for example, about what has happened back in Minnesota, where on the public sector side when you are talking about Medicare or Medicaid or medical assistance, we have been seeing, and last year I think we saw in the State of Minnesota about a 10.4 percent inflation rate when you are talking about the public sector side on Medicare and Medicaid and medical assistance. The inflation rate on that side of the equation has been about 10.4 percent. On the private sector side, where they have used managed care and competitive forces and created markets, it has been running 1.1 percent.

Mrs. SEASTRAND. Innovative ideas.

Mr. GUTKNECHT. We have seen inflation rates running 1.1 percent. It does not take a Fulbright scholar or a genius to figure out why can we not steal some of those ideas that are working so well in the private sector to control cost, and still provide people with the health care they need and want. Why can we not steal those ideas and apply them to Medicare and Medicaid?

We have been joined by our colleague, the gentleman from Georgia [Mr. KINGSTON]. I wonder if he would like to join us in this colloquy.

Mr. KINGSTON. I would love to. I think that I am touching bases on what the gentleman is saying. When we are increasing the spending per recipient from $4,800 to $6,700, we are clearly not cutting. But what we are doing is ending "politics as usual."

I am honored to be on the floor with the two freshmen Members, who have so much energy and vibrance and have brought so much reform to this body. But the one message of the freshman class has been this is not politics as usual. They are going to be realistic and they will address the trustees' report by the Clinton administration that says Medicare is going to be bankrupt in seven years.

In doing this, the freshman class, along with the leadership, has worked for a long-term practical solution, a solution that offers choice of physicians, that offers simplified language.

I heard you speaking earlier about grandma and so forth. I used to sell commercial insurance. I can say that one of the biggest problems people have with insurance, Medicare and so forth, is they cannot understand that stuff. To move towards simplified language and a clear choice of doctors, to move towards the clear choice of the different plans, if we want to get into a health maintenance organization, if we want to keep traditional Medicare, if we want to keep an insured private sector type plan, to have those options, I believe, is what our seniors want. But the long-term solution, to put Medicare on a solid basis once again, is the key to guaranteeing that it will survive.

Mrs. SEASTRAND. Mr. Speaker, it is interesting. If we do not reform Medicare, payroll taxes will have to be doubled by the year 2020 to avoid bankruptcy. I know on the central coast of California, basically our economic basis is built on small businesses. This will just be devastating to them. They are having troubles now with regulations, taxes and such, and if we follow what that editorial said in my local paper of "just raise taxes," this is going to be a burden on our small businessmen and such.

It is interesting that we have talked earlier about misinformation out there, what is in the headlines and newspapers, the ads, and so on. It was interesting because, especially last week, there was a real attempt nationwide to have advertising on television. I know many of my colleagues call it MediScare.

Here we are, we are talking about our plan, we have options for people, choices. We are going to increase the dollars for spending over the next seven years and we are offering the choices, as I said, and we will talk more about that later, about the kind of options they are going to have, yet it was interesting to see the campaign.

What was interesting to me was to see that many of these organizations that were paying for the "attack ads," as I call them, to scare our seniors, they were paid with our own Federal tax dollars. Groups that file their IRS forms, and we find out that they receive grants from the Federal Government. Taxpayers out there, those small businessmen and women I talked about, that if we do not reform Medicare, here they are through the back door giving these organizations dollars to go in a back door with advertising condemning a program and using MediScare. They are saying that seniors will not have choices. They said we are cutting Medicare.

So I think, again, as a freshman who wants to do something about it, people are tired of this, and once we get beyond the scaring, and talking to people and educating them as to what our plan is, people will be with us, our seniors and such.

Mr. KINGSTON. If the gentlewoman would yield, one of the things that the Medicare reform plan does do is crack down on fraud and abuse, seriously attacking it, even to the extent that would allow seniors to have a financial incentive for reporting fraud and abuse.

What I hear at my town meetings, and I am sure others have as well, is that people are going to the hospital for one thing and then getting bills for services that they never even came close to receiving. Frequently it is picked up by an auditor, but often people say, "Don't worry about it. Medicare is paying for it." Yet that is right out of your pocket.

The gentlewoman had mentioned some of these taxpayer-funded groups fighting Medicare reform, fighting for the status quo, fighting for a program that will go bankrupt in 7 years. I believe that is an example of the waste and abuse of our system. If they are going to use their money, their Federal grant money for political purposes, and, as you know, there are 40,000 organizations that receive over $39 billion a year in grants and funding from the Federal Government without even opening their books, if they are going to do that, then they should, I think, certainly participate in it by opening up their books for public inspection, because they are wasting it.

Ms. PELOSI. If the gentlewoman would yield, just on that point, because obviously we have differing views on your version of the story in terms of Medicare. Is the gentleman stating that there are people out there using taxpayer dollars that they receive from grants for purposes other than what those grants were designated for?

Mr. KINGSTON. Well, I believe the gentlewoman knows the situation of one group.

Ms. PELOSI. I know that that is against the law.

Mr. KINGSTON. Mr. Speaker, there is one group that received 97 percent of its budget from Federal taxpayers and spent $405,000 financing candidates for Congress.

Ms. PELOSI. Mr. Speaker, Is the gentleman saying they are using taxpayer dollars to do that?

Mr. KINGSTON. Ninety-seven percent.

Ms. PELOSI. No, no, are you saying they used taxpayer dollars to do that?

Mr. KINGSTON. Ninety-seven percent of their budget comes from the taxpayer, and they turned around and spent $405,000 on PAC contributions to political candidates. So I would say that if it was the case that not just the letter but the spirit of the law of not using tax dollars for political purposes, if that law was being followed, then we would not have that problem. What I would also wonder is that since it is already illegal for groups to use tax dollars for political purposes, I am confused why we do not have bipartisan support for the Istook amendment.

Mr. GUTKNECHT. Mr. Speaker, I want to join in on this particular discussion. We do not know, as a matter of fact, whether or not any Federal laws have been violated and I would give the administration the benefit of the doubt. But if in fact, the facts that we do know to be true, that they did in fact give over $400,000 to political candidates, if in fact their tax returns were correct, which we have now seen

and they have received over 96 percent of their funding from Federal taxpayers, then in fact I think, yes, they probably were in violation of Federal law. They should be investigated. There ought to be some prosecution of those people.

That is the kind of thing that either the law is not clear enough, which is why the Istook amendment is here to try to clarify that, or the enforcement is lax. But, clearly, what the taxpayers do not want to have to do is to watch groups receiving large amounts of Federal tax money turning around and using that money either to directly lobby the United States Congress or to otherwise try to affect events, buying advertising to affect what is happening in the public arena. All we do know is that they received a huge amount of Federal money and they are in fact actively out there lobbying, and they have actually set up a PAC and contributed over $400,000 to Congressional candidates.

Ms. PELOSI. Mr. Speaker, the gentleman from Georgia knows I regard him as a gentleman, and just hearing him say that these people may be in violation of the law because they receive X amount of dollars and they give out X amount of dollars, I think we want the Record to be clear that he is not saying that they are in violation of the law, because we all know that anyone who gets grant money from the Federal Government cannot use one penny of that money for lobbying the Federal Government or for any PAC contributions.

If the gentleman is saying that anyone who gets a grant from the Federal Government should not use other money to lobby the government or other money to make PAC contributions, then the gentleman would hopefully apply that to defense contractors and others who receive huge amounts of money from the Federal Government.

Mr. KINGSTON. As the gentlewoman from California knows, as a distinguished and a very good member of the Committee on Appropriations knows, so often as members of that committee we get lobbied by people who have, in fact, come to Washington for the purpose of lobbying for more money and, quite often, on taxpayer dollars in the name of a conference.

So I would say that there is plenty of murky water in there as we try to verify this. Perhaps some of the wording in the Istook amendment is not perfect. However, certainly what the Istook amendment is trying to accomplish is something that we all need to deal with as we get lobbied, particularly members of the Committee on Appropriations, by governmental and quasi-governmental groups.

I also wanted to point out to the gentlewoman, I have offered an amendment that exempts what I hope would be small-fry groups; for example, historical associations, small art museums, symphony groups and theater groups, who spend actually less than $25,000 a year on government-related lobbying or information campaigns, as the case may be, however you want to call it, because I need the input from my homeless shelter and I need the input from my historical association, and so forth. But I know that their members do not want to think of them spending over $25,000 a year on Washington quasi-lobbying conferences and that sort of thing.

I believe the amendment that I have offered in the Subcommittee on Treasury-Postal Subcommittee on Treasury-Postal conference committee is a step to help strengthen that, and I hope because of that we can get some bipartisan support.

Mrs. SEASTRAND. Mr. Speaker, I think this is an issue that will be discussed more and more on the floor of this House, and it is interesting, I have here a report of some six or seven organizations that receive nearly $80 million in Federal funding between July 1993 and June 1994. The question is are they using this for their operating expenses or are they using it for lobbying.

I understand what the gentlewoman from California is saying, but I will tell my colleagues, the taxpayers that are in my central coast of California look at this, scratch their head and say what is wrong here, because it is coming out of a pocket and whether it is used and legal or not, they want to see this type of thing stopped. When they see an organization getting 96 percent of their entire budget from the Federal Government and still turning around and lobbying against reforms, and so on, they are asking questions.

Mr. Speaker, the gentleman from Minnesota had a few comments to make.

Mr. GUTKNECHT. I want to get back and talk about Medicare, but in terms of this one particular organization it is hard, I think, it is a long stretch of the imagination to say that an organization can receive less than 4 percent of its gross revenues from nongovernment sources and not be almost an arm of the Federal Government.

□ 2000

And then to be actively involved in the activities that at least we believe and have been alleged that they have been involved with, I think raises serious questions. As I say, I am willing to give the Attorney General the benefit of the doubt. I assume that they are investigating. We believes that they should investigate.

I agree with you, if that is true, it is illegal and it should be stopped. But it clearly is not clear in terms of the law today, and we want to see it stopped. I think all Americans want to see it stopped, because I think it is a heresy to think that taxpayers' dollars can be used to lobby for more taxpayers' dollars. And particularly when some of the ideas that are being brought forward are at least in the view of many of us far from honest. They are not bound by the facts, at least as we see them and as most people would see them.

Mrs. SEASTRAND. That is where I was coming from, the idea of talking about trying to educate our American people about our plan, and then we see these ads in and attacks on radio, television and such, and we kind of got sidetracked over there.

I think, overall, as I said, as being freshman reformers, we want to come here and see that it is not business as usual. We want to roll up our sleeves. We want to fix it. We want to fix the problems. And these ads do not help in a dialog when you are actually saying that we are cutting Medicare, there are not going to be choices, that we are going to do all these horrendous things. As I was saying before, once our people understand what the program is, it is interesting, you have mentioned your town hall meetings, where people come in and talk about the fraud, waste, and abuse. I do not know if you gentlemen have experienced this, but some will bring their bill from the hospital, and it is like a phone book. They will actually sit down or hold it up and show all the things that were wrong, the $2,500 that was charged for something that was just an obscene charge.

Our seniors are very concerned about this. But again, once we sit down and talk at our town hall meetings, present the case to them, they say, your plan is honest. It is responsible. It is a long-term solution. It is just not a Band-Aid approach.

Mr. KINGSTON. Mr. Speaker, on the description and the adjectives, I have here a September 15 editorial from the Washington Post which, if anything, is not exactly a fan of the Republican Party and the leadership. Yet they are saying in here that Republicans have a plan. It is credible. It is inventive. It addresses a genuine problem that is going to get worse. And this is a pretty good editorial, particularly coming from a group that is traditionally very critical of anything that the majority party has done.

Again, getting back to what you are saying, your freshman class has led the way, clear thinking, responsibility, making things accountable, cracking down on fraud, maintaining choice of position, simplified language. That is why groups like the Washington Post, who even if it was begrudgingly, will say, Republicans have a credible plan and they are addressing a genuine problem.

Mrs. SEASTRAND. I have additional editorials here, on and on, the Washington Post, Columbus Dispatch, the

Atlanta Journal Constitution, all of these are in September, the Providence Journal Bulletin, the Cincinnati Enquirer, the Star Tribune, the Dallas Morning News, Seattle Times, on and on, same type of situation, saying that this is a plan that is worthy to be looked at. It is sensible, responsible. And I am encouraged by reading these editorials, because sometimes, again, when you get caught up with seeing those 30-second type commercials on television, things get lost. But we have to stand here and remind ourselves that we are being cited in editorials across this Nation that our plan is worthy of being looked at.

Mr. GUTKNECHT. If I could interject, I think facts are our friends. I think the more people get to know the facts, and the editorial boards around the country, and you recited some of them, most of them are not exactly Republican propaganda organs, but the more they have had a chance to look at the plan, the more they like it.

One of the arguments we hear from some of the folks is that seniors are going to be forced into managed care, as if that is a terrible thing, and that managed care is like the devil you do not know.

First of all, I think we need to make it very clear, no one is going to be forced into any program. And you mentioned your mother. I think that a lot of, particularly the more fragile senior citizens, I think they are going to stay right where they are.

Mrs. SEASTRAND. My mom is going to stay right where she is, in a traditional Medicare situation.

Mr. GUTKNECHT. I think they ought to have that choice, and they ought to be able to stay right where they are. I think more seniors ought to have the options that are available now in the private sector.

Let me talk a little bit about a study that came out this weekend, funded by the Minnesota State Legislature and done by the Minnesota Health Data Institute. In that study, they interviewed over 17,000, to be exact, they interviewed 17,591 Minnesotans. This is the largest study of its kind ever done. And what they really wanted to find out is how satisfied the people of the State of Minnesota are with their various health plans.

We in Minnesota have probably a larger penetration of managed care programs of various colors, and there is a wide variety of different programs that are available in the State of Minnesota, but I think it is interesting to note, the HMO's and the managed care programs have not penetrated the Medicare population as well as they would like to because of some of the regulations that the Health Care Finance Agency puts on it.

But in the study, obviously this print is too small to be read on the television screen, but I do want to talk about one particular chart, because I think it is very instructive. The argument that seniors despise managed care, at least in the State of Minnesota, is simply not true. In fact, they asked all Medicare recipients whether or not they were satisfied with the health care that they are getting. And when you asked just all Medicare recipients, about 77 percent are very or extremely satisfied; 17 percent are somewhat satisfied; but about 6 percent are dissatisfied.

Now, when you take the group who are members of various managed care programs and ask them the same question, their overall satisfaction, what you find is about 88 percent of them are very or extremely satisfied; only 11 percent are somewhat satisfied; and 1 percent on the largest plan that is available in the State of Minnesota, only 1 percent are dissatisfied or extremely dissatisfied.

The point here is that the level of satisfaction among members who are participating in managed care programs in the State of Minnesota, and it goes down for all the various managed care programs, people are actually more satisfied with the care they are getting in managed care programs than they are with regular fee-for-service Medicare. The system does work. And if we allowed more of these programs to develop and evolve in a more competitive market-oriented system, I think seniors are going to get better care. And they are going to be more satisfied with the system that they will have than under the system that they have today.

Mr. KINGSTON. I think the point of the gentleman is that this is but an option. It is an option that is good. It is not an option to be scared of. But if you do not want it, you can have traditional Medicare. If you do not want it, you can have a Medicare account. If you do not want it, you can have traditional insurance. Medicare has been described as a 1964 Blue Cross-Blue Shield plan. Do you want your mama driving a 1964 Chevrolet Biscayne? We had one when I was a kid.

Mrs. SEASTRAND. Maybe that is something we should look at.

Mr. KINGSTON. I wanted my mama to get all the advantage of the 1990's and the technology that is out there in medicine, transportation, and safety. And this Medisave account, they actually have one like this in Singapore. It has led to lowering the cost of health care yet at the same time increasing the quality and keeps choice of physicians.

Mrs. SEASTRAND. I am glad that you mentioned that. Our seniors have an option, because at home just this last weekend, I visited a rehabilitation institute. And they are very concerned because of the fact that the particular HMO's that they are dealing with are not sending patients to the institute for really serious rehabilitation care. And so I can understand their concerns.

But I made the point, in this plan, our plan, if you are not happy about what you are in, an HMO or such, you will be able to opt out and then choose another plan. And I also would agree with the gentleman from Minnesota, once this is up, the free enterprise system, the competitive spirit, we are going to see innovative programs. We are going to see different—I look at it as a menu, not only that one car for everybody, as you were commenting about, that 1964 car, or one particular dinner, we are going to open up a menu. We are going to see all different kinds of things that we can choose from.

Mr. KINGSTON. It will be in simplified, easy to understand terms so that you do not have to be an accountant. You do not have to be a lawyer. You do not have to be an insurance agent to understand it. You do not have to have it explained to you.

Mrs. SEASTRAND. Very simplified. And if I understand, my mom will receive her information and she will be able to choose and check off where she would like to go, into what kind of a plan. And if she does not, for whatever reason, she forgets to check the box of what she wants to choose, then she will be put into the traditional Medicare Program. So I think this is, as I said, the more our seniors and our American people hear about our plan, they are going to get excited about it like I am, too.

Mr. GUTKNECHT. I would like to tell a story that happened in one of my town meetings where a truck driver got up. He said, I am going to retire here in a couple years and, as I understand it, he said, as soon as I retire, I am going to have to leave the insurance plan that I have right now. And he had heard some of the numbers. And he said, I think actually my insurance plan, which I am very satisfied with, is cheaper than what I hear the average cost of Medicare. Why is it that I cannot just stay where I am? And I said, that is a very good question.

And so one of the things we are going to try and do is make it possible for people, when they retire, to stay right where they are. If they are with the firefighters, perhaps stay with the firefighters health care plan. I they are a teacher, they can stay in the teachers' plan. But the key to all of this is to create markets and competition, because I think the real answer long term to controlling cost is to use the marketplace.

I carry with me a little chip that is actually developed and manufactured in my district. Depending on which electronics company you are talking to, we believe that this is the most powerful desktop chip ever built. It is the power PCAS IBM AS–400 64-byte risk. This will do essentially the same

work that a computer which would have weighed something like 2,000 pounds would have done about 12 years ago.

Now this will do that same work in, it is like taking the difference between a 2,000-pound computer that you would carry on your back and now all that computing capacity will be in a wristwatch. And the interesting thing is the cost has come down geometrically. Part of the reason that that has happened is because market forces and competition have forced the free enterprise system to find smarter, better, and cheaper ways to produce these.

This is what is happening in the private sector every day, whether we are talking about automobiles, encyclopedias, or computers. Obviously, electronics is perhaps the most exaggerated example of that, but that is what is happening.

What we have got to do is figure out ways to help create markets to create competition, so that if your mother or my parents are not particularly satisfied with the plan that they have now, they ought to have the option to shop around a little bit. It ought to be simple and easy to understand English so that they understand what they are getting from that particular program.

Mrs. SEASTRAND. This has not been done in the last 30 years. They were all forced to go into one situation. Some of our seniors are healthier, and they do not need certain situations as other seniors do. In our plan, we are going to give them so many choices so that they can choose.

For instance, my mom will probably stay in the traditional Medicare. But if there are some seniors that are just entering the plan, like our SAM JOHNSON, who just turned 65 today, and they are healthy, probably the medical savings account would be their best option.

Mr. KINGSTON. Or the congressional plan, opening up a Federal employee type benefit plan for seniors. If it is good enough for the U.S. Congress, it is good enough for my mama.

I want to comment on this computer chip, because I think it is interesting that you bring out that high technology, because that was done by the private sector. If the Government was in charge of the development of that computer chip, we would still be on the vacuum tube.

Mrs. SEASTRAND. We are, too.

Mr. KINGSTON. In fact, the Federal Government is the largest purchaser of vacuum tubes, I believe, in the world. And no one in America has a TV or radio anymore, unless they have it for novelty purposes, run by vacuum tubes.

Mr. GUTKNECHT. When we fly home every weekend, for those of us who fly a lot it is a scary thought, maybe I should not warn Americans about this, but the air traffic control system relies heavily on vacuum tube technology. We are the largest buyer of vacuum tubes in the world. We have to buy them from Czechoslovakia. They are no longer made here in the United States. They are no longer made in North America. But we are the largest buyer.

The rest of the world, the free enterprise system is using this. And this is the equivalent of, I think, something like 9 million, this little chip does the work of 9 million vacuum tubes. That is what is happening in the private sector. The vacuum tube is what is happening in the public sector.

Mr. KINGSTON. There is no reason, in getting back to my days as a commercial insurance agent, I can say this, there is no reason that insurance products as an intangible item cannot advance the way a tangible computer chip does.

When I sold workers compensation, product liability, fire insurance, I can tell you just in the 10 or 12 years I was in the business, the policies changed tremendously and in most cases got more competitive and at a lower price brought a better product to the consumer. That is what we need to do with Medicare so that our seniors, and the gentlewoman from California mentioned about the senior population increasing, I believe the population sector that is increasing the most in society right now is the individuals over 87 years old.

□ 2015

We need to have the innovations, the technology and the know-how to keep up with them, so that we can continue offering some of the great things that the private sector can do and not have this stifling bureaucracy that cuts off innovation and deprives the consumer.

Mrs. SEASTRAND. You had mentioned about fraud, waste, and abuse. I think there was one thing that I heard in those town hall meetings, the concerns of the seniors, was the fact that they recognize fraud, waste, and abuse when they are looking at that bill from the hospital or such. They are concerned.

I am pleased that our plan is going to give the chance for our seniors to review their bills, and we are going to try and simplify the billing process so they can. As you mentioned, they do not need a S&P or an attorney to interpret their bills, and if they find $1,000 or in excess of $1,000 in fraud, we are going to give an incentive to them.

I think this is the way to go. If there is anything that I know about our seniors is they are very thrifty. They are concerned about their bills. They do not want to waste dollars and, I might add, they also have the time to look over those bills. So we are going to give them the tools to be of assistance to us so we can save money.

Right now the experts tell us we are spending almost $44 billion alone a year regarding fraud, waste, and abuse. Those are a lot of seniors that we can be of assistance to if we were not spending those dollars in this area. I am pleased to know our plan is going to be of assistance to our seniors to help look for this fraud.

Mr. GUTKNECHT. I think any of us who have had town meetings, at virtually all of them we have heard examples. I remember one example, I believe in Lake City, MN, where a senior stood up and said she had been billed $232 for a toothbrush.

I think that is repeated so often and, as the gentleman from Georgia [Mr. KINGSTON] said, many times these are caught but many times they are not. I think sometimes there is an attitude with some people that it is not our money.

I think part of this whole thing using medical savings accounts and encouraging seniors to review their bills, I think is a way of saying we all have to take responsibility. Because I think one of the analogies I like about this, or even the national debt and the deficit and all the other problems we have in the national budget, is we are all in the same boat and you cannot sink half a boat.

I think we all know now and I think everyone has now finally come to the conclusion that the Medicare boat especially is heading for the rocks. What we are saying is we have to drastically change course. If we stay on, keep doing what we have been doing, the boat is going to hit the rocks and we are all going to go down together. It is going to hurt seniors, us, our children. It is going to hurt everybody.

We do not have to make drastic changes to the system but we do have to change course. We cannot keep doing what we have been doing. My grandmother says it best. She says if you always do what you have always done, you will always get what you have always got.

We need to begin making some of those changes, again taking the best ideas from the private sector, giving seniors choices, making markets, helping to create markets so that we have competitive forces out there. I am actually convinced that we are going to save a lot more than we think. As I understand it, the CBO is now scoring our legislation, saying they are only estimating that about 25 percent of seniors will get involved in some of these various new options we are talking about with managed care, medical savings accounts, and the like.

My sense is long-term you will see much larger percentages than that, and I think you will see those inflation rates dropping precipitously so that we will save the system. We will simplify it, make it easier for consumers and for seniors, and we can save the system not only for the seniors who are there today but for the baby boomers when we start to retire in 2011.

Mr. KINGSTON. If the gentleman will yield, there is one thing that always goes on in Washington, and we all admit it goes on on the left, it goes on on the right, and that is special interest groups that surround Members of Congress by telling folks back home:

The sky is falling. The only way you can prevent it is by sending me a $25 check and writing this postcard to your Member of Congress telling him or her what to do.

It is all this fear.

One of the things that the other side of the aisle is employing is the tax cut for the rich to pay for Medicare. Let us talk about the tax cut a minute.

First of all, statistically when you put more money in the pocket of the American consumers, they buy more goods and services, jobs expand, more people are working, revenues to the Treasury actually go up. Under Ronald Reagan, for example, from 1980 to 1990 revenues after his tax cut went from $500 billion to $1 trillion. Unfortunately, spending on a bipartisan basis outpaced revenues. However, there was truly a lesson. The same thing was done under Kennedy.

Let us look at this so-called tax increase: $500 per child tax credit, and taking care of your mother in your house or your father in your house. If I have a senior citizen who is a dependent living in my house, I get a tax credit for it.

You do not hear the Democrats talking about this senior citizens' earnings limitation, so that if they are 65 and they want to continue to work, they will not be penalized up to $30,000 on their Social Security by working. Senior citizens want to continue working after 65. We are trying to give them the option of it.

Increasing the estate tax from $600,000 to $750,000 so that seniors, should they choose, can continue to save their money and pass it on to their children if they want to.

And then the capital gains tax cuts. In my district, and I am sure every other district in America, you have growth areas. Very typically you have a widow who has lived in the house for 30 years and suddenly that property, not suddenly but over the 30-year period of time, is worth a lot of money. She wants to sell it. She may need to sell it for long-term health care, for a retirement home, for a medical emergency, or whatever, and yet if she does, she is going to be clobbered at a 28-percent tax rate for the value of that up to her income bracket.

What is wrong with cutting that in half for the senior citizen? Yet we just hear all this fearmongering that the Rockefellers are going to benefit from it. That is not the case. Seventy-five percent of the money goes to people with a combined income of $75,000 or less, and our senior citizens will benefit tremendously from it.

Mrs. SEASTRAND. I think if the gentleman from Georgia would come to the central coast of California, we have fairs, quite a few fairs throughout the district and they are all the time, as I am sure you do in Georgia, talking to the men and women, moms and dads, coming up, talking about the fact that something has to be done, I can't continue in my small business, very concerned, they are looking for some relief. They are excited about the prospect of a capital gains tax reduction. Seniors are excited when we talk about I want to have you keep more of your dollars in your pocket. I want to reduce that tax hike that you got hit with recently.

The idea of moms and dads when they come to the fair, let me tell you, they do bring the children and they are excited about the prospect of the $500 tax credit. Also I am a mom, I have two adopted children so I know how important it is also to give that tax credit to the children that are waiting to be adopted and moms and dads wanting to do the right thing and to add to their family. These are not for, as you said, the rich people. We are talking about middle class and our low-income people throughout America. This is what it is—I want to give and I know you gentlemen want to give dollars back so that they can control their own destinies.

Mr. KINGSTON. We just do now want to take it in the first place. It is the people's money. That is what really gets me about the arrogance on the other side when they say you are giving money to them. It ain't our money, for crying out loud. We are talking about the people of America. We are talking about their money. We are just not going to confiscate as much as we have been confiscating. If you do not think it is confiscation, don't pay your taxes one time and find out about it. That is the absolute truth.

I was speaking last week to the drivers of UPS in my district. A guy said to me:

Listen, I make good money as a truck driver for UPS. I don't make a lot of money but it is a good living. I've got 3 kids. My wife works. We work typically 50 hours a week or more each. Yet at the end of the month, we have got absolutely zero because our money is going to taxes.

As you know statistically, that two-income middle-class family is paying 40.5 percent of their income in taxes. The same family in the 1950's as a percentage of that income only 2 percent went to the Federal Government. Today that family is paying 24 percent to the Federal Government. We are killing the American middle class with taxes and they are sick and tired of it and it is their doggone money. We are not giving it back to them.

Mrs. SEASTRAND. Even if the budget were balanced and we did not have that problem of looking at how we are going to handle that situation, even if it were balanced, Medicare would still have to be saved from bankruptcy. I think that is an important point. The tax relief has nothing to do with this issue. We need to save the program because it is the way the system is made up. It is failing. It needs help. We have to breathe life into it.

Again that is why I am excited about our medical savings accounts and all of the other options we are going to give. It is good news that our bill passed out of the Committee on Ways and Means today.

Mr. GUTKNECHT. And the tax relief, if I could just say and the gentleman from Georgia [Mr. KINGSTON] has said it so well. Whose money is it? It is not Washington's money. We did not earn it. They earned it. They work hard every day. We are saying you ought to be able to keep a little of it.

The second and more important point is who can spend it more efficiently. Are there any people in America who really believe—in fact, let us play a little mental game with this. Let us envision that you won a big lottery and all of a sudden you became a very wealthy person and you wanted to help humanity.

What is the first thing you would do? I do not think the first thing that you would do is give the money to the Federal Government. Because I do not care what your circumstances, I do not think anybody really believes the most efficient way to distribute funds or the most efficient way to buy things is through the Federal Government. We know what the most efficient unit is. It is called the family. That is why that family tax credit is so important. Those families know how to spend that money efficiently. They will get real value for the money and they will plow it back into the economy and frankly I think long-term we will see overall revenues to the Federal Government go up because of the increased activity.

The second point that needs to be made, and this is where some of our friends on the left get so upset. It is about this capital gains tax cut really which I think is so important. Really what we want to do is stimulate economic growth in this country so we have more jobs and more opportunity. It is about converting this society from a welfare state to an opportunity society. This is what we promised last November. We were serious about it. We want to change that. But even capital gains where I think we have to say, it may well be that some wealthy people will take more advantage of that tax break than other people. This is true. But let me give a very important fact. Again I think facts are our friends. Forty-four percent of the people who pay a capital gains tax in the United States are wealthy for one day. The day they sell their businesses, the day they sell their farm, the day they sell some other investment which in many cases they have been paying taxes on

for a long period of time. Again whose money is it? The Federal Government did not help create that wealth. The Federal Government did not help create that wealth. The Federal Government is not really helping to create those jobs that usually go with those capital gains.

I think what we need to do, we promised we would give tax relief and unlike some of the other people who have been elected, the old politics as usual, we made a promise last November that we were going to lower taxes on families and we were going to make it easier for people to invest and save. We were serious then, we are serious now and we are going to come through with that tax relief.

You are right, it has absolutely nothing to do with saving Medicare. The Medicare fund would be going bankrupt whether we gave tax relief to American families and encouraged jobs and investment or whether we did not.

Let me just finally say about the tax cut, all we are really doing is giving back a little bit of what was taken away in the big tax increase a few years ago. This is just starting to give back to the people what they had before the big tax increase. I think it is a great idea, it is long overdue, I think once the American people begin to understand the facts there will be overwhelming support for this.

Mr. KINGSTON. If the gentleman will yield, after the outside-the-beltway tax increase, the Bush-Democrat party deal, the economy slumped. Revenues did not increase, because the prosperity was not there. Yet under the Reagan cut, prosperity increased, revenues increased. There comes a point where the American public has had all the fun they can stand and they are not going to continue working this hard. The UPS driver that I was talking about, why would he want to continue working 50 hours a week when he knows the marginal increase is almost zip?

Mrs. SEASTRAND. If he can keep his dollars, he is going to do additional things. He is going to buy that home, he is going to maybe buy a new truck to get the family around. People do not put their dollars necessarily in a mattress anymore. They are going to do something with those dollars. They are going to buy it, invest it in a business or a home or hopefully they are a small business and they will hire someone additionally and give that young person a job.

□ 2030

So this is all important too, and I think the most important thing is that we made promises in the fall of 1994, many of us as reform-minded freshmen who have come here because of promises we made. It is my intention to keep that promise. It is exciting times here this fall in 1995 because there is a lot to do, and we are going to not only save Medicare but we are going to help to give tax relief to the American people.

Mr. GUTKNECHT. One last point about tax relief. This is something not well understood, and sometimes it gets lost in the whole discussion: The tax cuts we are talking about have been paid for. I mean, we have made, by the time we finish with reconciliation, with the rescission bill which we passed earlier in the session and the appropriations bills which are working their way through the House now, we will have cut over $44 billion in discretionary domestic spending. We paid for the tax cuts irrespective of what we are doing with Medicare or anything else in the budget. We are paying for the tax cut by cutting Federal spending. That is critically important because I think that is what many of the money markets are out there looking towards, and that is why we are going to get greater economic growth, and that is why we are going to get lower inflation, lower interest rates down the road if we follow through with this plan.

Mr. KINGSTON. What the gentleman is saying, instead of taking the money from the people, the American middle class, you are going to take it from the Washington bureaucrats, which is exactly the platform that the two of you and the other Members of the freshman class campaigned on. When I go back home and talk to my civic clubs and describe the freshman class, I say for the first time in my political life normal people create the majority of the folks in there.

I believe, as your freshman class has got a reputation, you are not running for Senate, you are not running for President, you are not running to be committee chairmen up here in 20 years. You just want to balance the budget and go home and make a better America, and I think that that is the difference, and this is your approach on Medicare. You are being reasonable. You are being sensible. You are moving to simplify it. You are moving to protect it. You are moving to save it. You are moving to strengthen it. That is what the American people want.

I am glad to be part of your team. Even though I am in the sophomore class, I do think our philosophies are exactly alike, and I am proud to be with you, and I appreciate being in this special order tonight.

Mrs. SEASTRAND. I guess we started off talking about so many things that we have to talk to our seniors and Americans across this Nation, to talk about our Medicare Preservation Act and how difficult it is because so often the headlines are the 30-second ads, which always use the key words, "rich," "cut," and so on, and scare people. I am proud to say we are moving forward with a plan. We are going to save, protect and strengthen Medicare. It is going to be there for my mom, who is 83. It is going to be there for me and future generations.

We are going to try, as I said before, to get the message out across this land that this is what we are doing.

Mr. GUTKNECHT. We have got to close here. I just want to say it has been my pleasure to participate in this special order. I do believe, as John Adams said, facts are stubborn things. I do think more of the American people, the more they get to know the facts, whether we are talking about welfare reform, tax relief for families, saving Medicare, I think the American people will understand. I think they do understand that this is what they sent us here to do. They do not want politics as usual. They want to save Medicare, not just to get through the next election but they want to save Medicare for the next generation.

I think if we are permitted to pursue these reforms we are talking about, if we do not lose hope and faith in the American people, they will not lose faith in us.

I thank you for allowing me to participate, I say to the gentlewoman from California [Mrs. SEASTRAND].

THE IMPACT OF REPUBLICAN PROPOSALS ON MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized for 60 minutes as the designee of the minority leader.

Ms. PELOSI. Mr. Speaker, last week the gentleman from California [Mr. LANTOS], the gentlewoman from California [Ms. WOOLSEY], and I held a field hearing in San Francisco on the impact of the extreme Republican proposals to devastate both Medicare and Medicaid, and all this devastation has wrought to pay for a tax break for the rich, yes, a tax break for the rich.

The Republican proposal would cut $270 billion from Medicare and $182 billion from Medicaid programs. Over 50 percent of the tax break will go to the highest 6 percent income earners in the country, over 50 percent of the tax break goes to the highest 6 percent of the population.

The hearing was very revealing. We had an extraordinary list of panelists who are respected in their fields who presented their views on the impact of these drastic cuts.

First, we heard from individuals, experts, really, because they can say directly how these cuts would affect them. The first panel was comprised of representatives of working families, mothers and children and seniors. Our first witness was a pioneer in the field of women's health and women's rights, Del Martin. At age 74, Del was a delegate to the White House Conference on

Aging and is a respected community leader.

Del said seniors are more than willing to carry their share of the deficit reduction burden.

We are told that Medicare is responsible for only 6 percent of last year's Federal deficit. Why then, why then is Medicare being cut by 35 percent? That is not fair. Congressional leaders refused to even consider eliminating tax breaks and loopholes which primarily benefit the wealthy. You do not need a PhD in economics to know there is something drastically wrong in this balancing act.

Del went on to say in her testimony the increase in Medicare costs for her personally projected over the Republican plan would amount to over 27 percent of her income, and this percentage would increase as her income diminishes as time goes by. She said as she grows older, that if this Medicare plan is put into effect, her children may have to help her, and that is why these Medicare and Medicaid cuts, these drastic cuts proposed by the extreme Republican majority are of concern to not only our senior citizens but our middle-aged, middle-income families and children in America.

I think it was Betty Davis who said, Mr. Speaker, growing old is not for sissies. And being elderly in our country and being faced with these cuts in Medicare and Medicaid will have a devastating impact on America's families, because if our parents are not cared for, the delivery of service is not paid for by Medicare and Medicaid, then who is going to pay?

Under the Republican plan, I will tell you who is going to pay. The Republicans will have a call on the income of the working children of those parents from those elderly parents. The Republican plan will say that a woman, a spouse whose husband has gone, say, to a nursing home under Medicaid will not be able to retain even the $14,000 per year that she is now allowed to save. That money will have to go for her husband's care in the nursing home, and she will be pauperized and not able to stay in the community, and that the Republican plan will allow States to call on the home that that spouse is living in, in order to pay for her husband's care in the nursing home.

So this strikes right to the economic and health security of our senior citizens, but also the economic security of their children as those working married children who are trying to raise their own families will now have more responsibility for the health care bills of their parents.

Another member of the panel was a remarkable young woman, Melica Sadasar, who is director of Family Rights and Dignity, an organization for homeless and low-income families. She spoke to the consequences that changing Medicaid into block grants would have on poor children. She said the decision to block grant Medicaid relegates mothers and children to a caste of disposable human rights. These political decisions simply say that our children, that their lives are not valuable, that their futures are irrelevant. This is political savagery, she had said. This is child abuse masquerading as congressional legislation. "How can we say to an entire generation of children that their country will not protect or invest in them?"

Mr. Speaker, I contend that these changes in Medicare and Medicaid will not lead to balancing the budget or reducing the deficit. Indeed, the best way for us to do that is to invest in human capital, to invest, to intervene earlier if someone is sick or in need of care, rather than waiting until the bill is so much higher.

Finally, on that panel, Mr. Speaker, Bruce Livingston, the executive director of Health Access, spoke, and he talked very movingly about his parents and what the impact would be on their economics and indeed on their dignity and indeed on his financial security. He said that his father was a Vietnam vet and a career U.S. civil servant, had wisely and carefully structured a health plan for himself and his mother prior to his father's death. That included reliance on Medicare and Medicaid.

Now, like many Americans, his mother must rely solely on herself and whatever benefits she still receives from her husband's pension to make ends meet.

Bruce said,

My father worked very hard to provide security for his family. This was the most important thing in his life. When I asked him why he fought in that war, he said, "I wanted to care for my family." My father would turn over in his grave if he thought the security he built for my mother was threatened because of proposals for tax cuts for the wealthy.

Bruce's father and mother made their financial decisions based on the promise that Medicare and Medicaid would be there for them. Bruce said, "My parents kept their promises to the U.S. Government. Now, as their son, I ask you to keep your promise to them."

As I said earlier, Bruce is part of that sandwich generation where he will now have his assets and his income called upon to help pay for his mother's health care costs.

I saw an interesting poster at one of the rallies that said, "My children cannot afford my health care."

What does it do to the dignity of a senior who has worked all of his or her life to provide for his or her retirement to then have to go to their working-age children, middle-income, working-age children who are caring for their own children, and say, "We need to call on your assets to take care of my health care benefits because Medicare and Medicaid are no longer there?" It is interesting to hear our colleagues, to talk about the choices seniors will have.

Oh, yes, they will have a choice. They can stay in Medicare with higher premiums and lower benefits. If they go into one of these other managed plans, I predict, Mr. Speaker, you can call that the Roach Motel plan, because once they go in that plan, they are not going to have any choices. It is in and it is not out, and let me choose another plan because I do not like it in there; so seniors have to be very, very concerned about this Republican proposal.

Well, it is clear it is easy to understand why the Republicans want to change Medicare. They did not believe in it in the first place. Ninety-five percent of the Republicans in the Congress voted against Medicare 30 years ago when it was passed in the Congress of the United States. They have not liked it. Now they want to move on from it, and it providing the health security to America's seniors.

We had other panels that I am going to get around to. But first I would like to yield to some of my colleagues from Northern California so that they can address some of the other voices that they are hearing from their districts. They can tell us about some of the other voices they are hearing from their districts on the Republican proposal. I first would like to yield to that fighter for seniors, the gentleman from California [Mr. FARR], who has been in very close touch with the seniors in his district and is here to report on their concerns about the impact of the Republican cuts in Medicare and Medicaid to give a tax break to the 6 percent wealthiest in our country.

Mr. FARR of California. I thank the gentlewoman.

I really appreciate the gentlewoman yielding this time. I hope that in our brief moment here tonight that we can bring to attention what is really going on in Congress.

Like the gentlewoman, this last week I met with senior citizens in my area and, in fact, they gave me this postcard. They asked me what would I do with it, what does it matter when they go out and gather signatures and then they turn in cards, cards by the hundreds. Every one of these cards is just coming in from the districts daily.

Those cards read:

California seniors are willing to do their fair share to help reduce the budget deficit, but the drastic measures now proposed for Medicaid and Medicare are unacceptable. Your vote, those of Members of Congress, to devastate Medicare in this way would be breaking a campaign promise to thousands of your constituents.

I got to thinking just with that first sentence in there, "campaign promises." Is that not what this discussion really is all about? It is not about reforming Medicare. It is about a campaign promise that was made that this year the Republican-controlled Congress will give tax cuts to the very

wealthy. That was a promise made, and when you think about it, I looked in the Webster's Dictionary of what is a promise. A promise is a legally binding declaration that gives the person to whom it is made a right to expect or to claim performance or forbearance of a specific act.

In order to deliver on that campaign promise, to cut Federal programs so that they can pay for tax cuts, they have to find a major program like Medicare, and attack it.

Now, we know it has some problems, and we are all willing to do something about it. But if you really want to keep your promises to seniors, you would not be attacking the very program that benefits them. In fact, the first thing you would do is you would get up and say "Look, this isn't about tax cuts. It is so much not about tax cuts that we are not even going to consider tax cuts. Take them off the table. We'll never deal with them." That honesty would bring us a long way.

This card goes on to say, "The current budget proposal described as a reduction in the rate of growth is nothing less than a cut, which will cost seniors and their families thousands of dollars more for their health care."

We just heard a debate that this is not going to cost seniors more, everybody is happy about it. If everybody really believes that, where are they? They are not in here saying "Give us this Republican proposal, give us this plan. We can't wait to have it. It is going to be so wonderful, the nirvana we are all going to live under when we do not have to spend more with less."

The card goes on to say, "Additionally, I am very concerned about congressional plans to cut spending for programs under the Older Americans Act, Meals on Wheels, congruent meal programs, programs to prevent elderly abuse," all of those programs we heard about at the hearings and out on the lawn that are under the acts. "Please act responsibly."

I think that is what we are trying to do here tonight, is be responsible about Medicare, about Medicaid, about the Older Americans Act. These are vital to seniors and to their families.

These cards just come from my district. So when I met with these seniors this last Monday, they said, "How can we just as individuals out here who have signed our names and have written you cards, and some of us are too old to write long letters, so the best thing we can do is sign a card, how can our plea, our voice, be heard in the U.S. Congress?"

I said, "There is a wonderful thing about Congress, and that is there are what is called special orders. And I will bring back to the U.S. Capitol, where we are standing tonight, all of these cards and all of this poster that you put out and the signatures you have had, and you will see and the rest of the nation can see your concerns, and will be able to join in with you, as thousands and millions of seniors are doing across the country to say 'don't break your promise to seniors just because you want to keep your promise to the rich.'"

Ms. PELOSI. I thank the gentleman for his speech. I hope the gentleman will continue to contribute to our discussion this evening. I commend the gentleman for his hard work in the district and congratulate him on this collection of signatures on the cards of real people, real grassroots people speaking out about the injustices of the Medicare and Medicaid cuts.

As the gentleman says, of course, we all stipulate that we must address the issue of waste, fraud and abuse. Indeed, President Clinton last year in his comprehensive health care reform addressed these issues. This was rejected by the Republicans. The President addressed the issue of the shoring up of the trust fund, of eliminating waste, fraud and abuse, and by moving forward with a comprehensive health plan, universal access to health care for all Americans, really took the bull by the horns in saying this is the only way we are going to address the rising cost of health care in America, is by making health care more available to many more of our citizens.

What is interesting is that today the reason we have the hearings in our district that the gentlewoman from California [Ms. WOOLSEY] participated in, was because our people really could not come to Washington to be able to be heard by the committees of jurisdiction on this issue. Some came and spoke on the lawn where we had our hearings outside, and some came and spoke in our district. It is very sad that our colleagues on the other side of the aisle were not there to hear what these experts had to say about the Republican proposal, indeed, what the individuals had to say about the insecurity that these proposals brought to their lives.

But what is interesting is what has happened in the last 24 hours here in Washington, DC. Within the last 24 hours, senior citizens who came to a hearing room where Medicare and Medicaid were being written up into legislation, legislative language, were ejected from the meeting with the assistance of the police. These senior citizens were ejected from the meeting. Within a number of hours, representatives of the AMA were waltzed into the Speaker's office to talk about what they wanted out of the Republican Medicare bill. They came out and said "We picked up, the AMA, we picked up $3 billion. $3 billion. So we support the plan." Nothing about what this does to undermine the delivery of health care services in America. "We, the AMA, we picked up $3 billion."

Well, guess who is paying the $3 billion? Those seniors who got ejected by the police from the hearing, because that same day, as the AMA is celebrating their $3 billion windfall, the Committee on Energy and Commerce voted a $25 per month increase in premiums for senior citizens in America to pay for the increase that they gave the AMA, and to also pay for the tax break, over 50 percent of which goes to the 6 percent highest earners in our country.

Before I yield to my colleague, I want to state that I will be placing in the RECORD the full statements of Bruce Livingston, executive director of Health Access, and other representatives of various groups.

Mr. Speaker, I am pleased to yield to our colleague, the gentlewoman from California [Ms. WOOLSEY], who was present at the hearing, who had some of her constituents there, and who has been a relentless fighter in this fight. She brings dignity and pride to the State of California by her service on the Committee on the Budget, where she represents so very well the values of the people of her district.

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman for yielding. First of all, I want to thank you, my fellow Bay Area colleague, for having the forums that we had while we were in the district last week and for putting this special order together tonight, because when I was listening to what they were saying on the other side of the aisle earlier, it totally floored me. We must, in the Bay Area, live in a totally different part of this world or something than they represent, because the entire Bay Area, from SAM FARR's district down to Santa Cruz and north and through San Francisco and into Sonoma County and across the Bay to Oakland, Alameda, and Oakland, we do not hear these things.

I do not know why I did not bring them. I have stacks and stacks of petitions from the people in my district, one of the most affluent districts, by the way, in the United States of America, of seniors saying they do not like these cuts, if not for themselves, for other people they know. They are willing to pay their fair share, but they want fraud and abuse taken care of; they want the tax cuts off the table.

Well, I always do tell people that I am fortunate to represent Marin and Sonoma Counties, because being the two counties directly north of the gentlewoman's district, across the Golden Gate Bridge, I know that all of my fellow members of the Bay Area delegation, including myself and those that I work with in the sixth District, I know that we live in an oasis of sanity. That makes it easier for us, because we work with people who time and time again, our constituents, the true leaders of this country when it comes to caring, when it comes to understanding, and when it comes to working for the rights of other people in this Nation,

including their own rights. But they care about other people.

So last week when Nancy and TOM LANTOS and I had the hearing in San Francisco and we met with many of the people who wanted to tell us what they thought about these radical cuts in Medicare and Medicaid, which Speaker GINGRICH and the new majority are pushing through our Congress, I was comfortable being with all of you, because I knew that we represented districts much the same. But I felt appalled that we had to have these meetings in our districts, which we have been having all over the place anyway.

I have had meetings with hospital administrators, with doctors, and with senior citizens throughout my entire district. Nobody is coming to me saying they like what is happening.

But we had to have more meetings than the one in San Francisco, because we are making up for 1 day of hearings here in the House of Representatives in the committee. We tried to make up for that with a week of hearings out on the front lawn, where we could have people come and actually express themselves. But it was important that we take these hearings also to the Bay Area within our own districts.

So when we had our hearings last week, we were able to hear what people really though about the impact of Medicare. The wonderful people spoke out, people like Dr. Tom Peters, who is the head of the Marin County Department of Public Health in my district, and to Anthony Wagner, the executive director of Laguna-Hondo hospital in San Francisco, and Paul Dimoto, who is with the San Francisco AIDS Foundation. They came to us, and they gave us one message to bring back here to Washington. That one message is this: The Gingrich Medicare and Medicaid cuts will devastate the elderly, the poor, and the disabled.

Today, I think we all know that the Committee on Ways and Means passed their assault on Medicare and Medicaid. Today, the new majority demonstrated their willingness to ram their plan through Congress with only 1 day of public hearings. What an outrage.

As a former Member of the Petaluma City Council, I can tell you that we talked longer and harder about sidewalk repairs than Speaker GINGRICH and his allies have for an issue which affects the health of millions of Americans.

So we are here tonight, the three of us, speaking out to the people that have been shut out, shut out of the democratic process by the new majority. We are here tonight to tell you that people in the Bay Area, seniors, patients in nursing homes and middle-income families, are scared to death, scared by the new majority's assault on Medicare and Medicaid. They know that this plan will inflict real pain on real people. They know and we know that the Gingrich Medicare and Medicaid plan is not fair. The people of Sonoma and Marin Counties know that the Gingrich Medicare and Medicaid plan is not fair as well as our knowing it.

Maybe even the majority knows that this plan is not fair. Maybe they do not really care. But the American people care, and so do the people who testified before NANCY PELOSI, TOM LANTOS, and myself last week in San Francisco. So do the doctors, the hospital administrators, the senior citizens, who have come to forums and hearings that I have had in Marin and Sonoma Counties.

I urge my colleagues, everyone in this House of Representatives, to heed the words of the people that we have been talking to, to reject these attacks on seniors, children, and middle-class families, and to show that we really care, really care about the people in this country.

Ms. PELOSI. I thank the gentlewoman from California for her statement this evening, for her participation in the hearing, and for her leadership on this very important issue. It was interesting then and now to hear your point that as a leader in local government, the time that you have spent, the period of public comment that is required for changes in the infrastructure in your district, be it a sidewalk or whatever, and how quickly the Republican majority wants to move forth with its stealth plan before anybody can really see what it is. I know our colleague, Mr. FARR, has a similar experience.

Mr. FARR. I think it is very interesting. The gentlewomen are on a city council and very involved in local government. Congresswoman PELOSI was on the board of supervisors in San Francisco County. I served the local government and then in the State legislature. There is not a city, county, or State in the Nation that does not require publication of any change in law that you are going to make, and that publication has to be available to the public, I know in California, at least 30 days before you even have a public hearing on it.

In the State legislature, an analysis has to be made of both the costs and the benefits, and that is all public information. In fact, you can call up on a hot line and get it, and those bills are free to any constituent in the State of California who wants them.

The point is, every time you are going to tinker with the law, the process requires that the public be aware and know about it. The one exception to that rule is right here in the U.S. Capitol, where essentially you do not have to tell anybody until the day that a vote is taken what is in the law. I think that is very confusing to most of the American public, because they are familiar with going to a school board meeting or going to a city council meeting or even petitioning their State legislature and finding out the details of the law, not what some press release says, not a public relations firm comment, but what is the law. People can read.

In this case, the public of the United States has no idea what is in this great promise to resolve Medicare, other than it is going to affect their pocketbook.

□ 2100

Mr. FARR. It is essentially going to take money, saying, "Government, you spend less, and, people, you spend more." For those people that are on fixed incomes that have signed these petitions that were at your hearing, what did they tell you? "Our incomes are limited. We are on fixed incomes. We cannot go out and make more money. We do not have the ability to increase our income. Our water bills have gone up, our garbage bills have gone up, our sewage bills have gone up, our telephone bills have gone up, and our cable television bills have gone up. Now you are coming along and saying the most vile thing of all, our health care bills are going to go up even more. Where are we going to get the money to pay for it?"

This is the sham being played on America. It is essentially saying, "You people, the poorest in the Nation, who have limited incomes, who cannot go out and get more, you have to pay more," so that they can turn around, take that money, and give tax cuts to the most wealthy people. This is not the Nation of America that takes care of people like that. It is not why we ran for Congress and why we took the oath of office to be here. Not to rob from the poor to give to the rich.

Ms. PELOSI. Mr. Speaker, as the gentleman mentioned earlier, if this is not all about giving a tax break to the wealthiest Americans, why do they not just take the tax cut off the table? Let us address getting rid of waste, fraud, and abuse in Medicare and Medicaid. Let us address the delivery of health care to our senior citizens, because that is mostly what we are talking about here, outside the arena of "We will take this money and we will spend it on a tax cut." If that is not what the purpose of this is, let us eliminate it.

Within the Republican Party there are many people saying it is not right to do this; we ought not have that tax cut. But the majority of the Republicans are insisting on it, because that is what this is about. They want to give the tax cut. They are going to where they can get many people who are paying into the system, and that is our seniors, and asking them to pay more into the system for their health care.

It would be a more fair and honest debate if we could have this debate without a tax cut on the table.

Ms. WOOLSEY. Mr. Speaker, if the gentlewoman would continue to yield, first I want to say I do not believe they are hearing what they are saying they are hearing from their constituents, because their constituents cannot be that different than ours. I know a Republican Representative just north of me. Our newspapers are telling us that his constituents are saying to him what they are saying to me, and that is keep your hands off our Medicare and our Medicaid. Because Medicaid is going to get hit next if we even tweak with Medicare. We will pass it down to the poorest of the poor; our elderly, frail seniors, and also the other third of the people who are on Medicare, which are the disabled and handicapped, and then children who are on welfare, which make up 70 percent of welfare recipients who need Medicaid.

So he is hearing what I am hearing. I know that. They are hearing what we are hearing. They are just trying to tell them that they think something else. It will not work. I do not know about other Members, but I have a lot of faith in the American people, and when they know what is happening to them, they will not put up with this.

Now, when we talk about process and we talk about the difference between local government and State government and county government, we have the Brown Act in California. I cannot imagine taking the AMA into a back room and negotiating what we are going to do with their fees and leaving all of the people, the consumers, the seniors, out of that debate process. No way.

It is such an insult to the people of this country. That is exactly why American voters are getting disenchanted. They think they do not have a say. The Republicans, in doing what they did with the AMA, gave the American voters a lot to believe in when they told them you, the American voters, do not mean anything to us. We are taking a special interest group into a back room and we are going to make great decisions that affect you.

Ms. PELOSI. Mr. Speaker, it is interesting that the gentlewoman makes that comment because at the same time that this is happening, as lobbyists are having very special access in this process, the Republican majority is at the same time saying anyone who gets a grant from the Federal Government should not be able to lobby the Federal Government.

Certainly nobody who gets a grant from the Federal Government should use any of those Federal grant dollars to lobby the Federal Government, and they must use it for the purpose of the grant. But just because an organization has competed in a process and won a grant does not mean they have abdicated their rights as a citizen of our country to be able to petition government. That is the right of a democracy. The public's participation in the formation of public policy is what a democracy is all about as much as a free election of representatives.

So when we talk about process, we are talking about a stealth plan which continues to be substituted. As recently as 48 hours ago, the plan became a new plan. And as recently as the AMA walking in that office, there was another change made. So we have this stealth plan and then we have a process where there are no open hearings where consumers can come in and citizens can come in and say this is how this would affect me, or professional judgment opinion would say this is how this would affect the delivery of service. And on top of that, we are going to squelch the voices of people who have participated in our process and have won grants.

And yet, Mr. Speaker, when we ask them would they apply that to the Defense Department, which awards contracts into the hundreds of billions of dollars, they say, oh, no, not the Defense Department. Well, if we are going to do it to people on the domestic side, then we should do it on the defense side or not do it at all.

And I prefer that. I prefer that the people who get government contracts have the ability to speak out, whether it is defense contracts or other contracts. But in this situation, the defense contractors are off the table, just as they are in the budget priorities.

Mr. FARR. I think we are really hitting on what is at stake here. It is really confidence in America. We have lost that confidence. I do not think the Contract for America buys confidence, particularly when you have in that contract this big tax cut. The American public can understand if you want to balance the budget let us stick to balancing the budget, but do not get us confused with also doing big tax cuts.

To the best of my knowledge, frankly, the debate has not been very honest because there are two forms of balancing the budget. There is a fast track, which I think is the Republican form, a steep glidepath, and then there is the more moderate glidepath which the President introduced, and the American public should know what the consequences are by taking either the steep path or by taking the less steep path. Because along the way, if you hurt the most vulnerable people, and we have seen in the Contract With America that we have already hit and hurt rural America, we have hit and hurt the elderly citizens, we have hit and hurt the school children needing lunch programs, we have hit and hurt students who want to go to college by making them pay more. What difference is it going to make if you have a balanced budget if people are too sick to enjoy it, too poor to access college, everything becomes too expensive? You have not really developed this kind of wonderful Utopia that all of a sudden you are going to get with a balanced budget where interest rates come down.

So I think the debate on how you balance the budget ought to be a lot more honest and it should be a lot more honest about who will get hurt if you take the fast slope toward balancing it. And along the way, we are hurting the very people that we want to help.

As you said, we prohibit Girl Scouts from coming in here and lobbying in Congress if they receive any Federal grants, but the big aerospace industry, defense industry, who get billions of dollars, can come in here and lobby for B-2 bombers, even when nobody in the Defense Department wants them, and they are not taken off the list.

So this is really about building confidence in America, and I appreciate both of my colleagues in northern California and the Bay Area for bringing a little sunshine and sunlight into what has been a very closed, mysterious system that I think misses a point of honesty, and the honesty is if we want to balance the budget let us talk about it, but not under the guise of just making poor people pay more so rich people can pay less.

Ms. WOOLSEY. If the gentlewoman would yield, in my hearings and forums I have been having in my district, I will have 100 or 200 people possibly in a room, and of course somebody in the room is going to disagree with me, and when that person stands up, the rest of the wonderful senior people as well as this person that stands up and gives his opinion sometimes boo or speak out, and I stop that person, those people immediately and say, no, no, this gentleman has every bit a right to give me his opinion as you do. This is the American process, which is about hearing each other and what we care about.

That has been the disappointment in this debate here in the House of Representatives. We have not allowed those who do not agree with what the new majority is recommending to have their say.

One of the other things they tell me in my meetings is besides taking the tax breaks off the table, why are we increasing the defense budget beyond what the Department of Defense wanted in the first place. They would like those increases off the table, also. They are very clear about that. So those are the kinds of inputs I am getting, and I believe that those around the country, besides ourselves, are getting the same kind of input from their constituents.

Ms. PELOSI. I think the polls are showing that the Republican proposal to cut Medicare in order to fund a tax break for the wealthiest Americans is not a popular proposal in all of America.

I want to take up on a point you mentioned about defense. Certainly we

all, as we stipulated earlier, we must address the waste, fraud, and abuse in Medicare, as President Clinton tried to do and as we will all, I think, in a bipartisan way address, and let us also stipulate that we are all patriotic Americans and we want to have a very strong national defense.

But as we try to reduce the deficit and balance the budget, why, when the Republican majority is trying to look for inefficiencies in Government, do they take defense off the table? Maybe there are no inefficiencies in the defense budget. It could be. I doubt it, that there are no inefficiencies in any part of the budget. But why is it not on the table?

So when we say to senior citizens in order to balance the budget in *x* number of years and give a tax break to the wealthiest Americans, you will have to pay a higher premium per month and that could amount to several hundred dollars a year which, contrary to what my colleagues on the Republican side of the aisle may think, is a great deal of money to our senior citizens, while at the same time we are saying but we will hold harmless the entire defense budget and not look there for any inefficiencies or any ways that we can cut.

So it is about process, it is about the process of a closed process with a stealth plan. It is about substance, it is about what this proposal will do, and it is about priorities. If we do not respect the contributions that have been made by our senior citizens and also recognize that unless we invest in people, as our colleague from California, Mr. FARR, said, what is the use of balancing the budget? Our people are sick, our children are undereducated. If we define a strong country, it certainly is in terms of our national defense and our military might, but it most certainly is even more so in terms of the health, education, and well-being of our people.

I would like to yield back to my colleague from California, Mr. FARR, to further pursue that line of thought.

Mr. FARR. I think the big debate here in Congress is how do we ensure that we have a society moving into the 21st century that is a responsible society. It is not just the rights of individuals that you have heard a lot about, particularly when it got into issues about Waco and things like that; it is the responsibilities of society. We are not going to have what I call the domestic tranquility of this country balanced in a style in which we can all appreciate if indeed you have disenfranchised a lot of people. If parents do not think their kids can get an affordable education, we talk about accessible education, accessible education means you can get there from here, that you have a chance to avail yourself of the great schools. And we have some wonderful ones in the State of California, some of the best in the world. But what good are they if they are too expensive to get to and the kids are not getting into because of cost. What good is a health care program if you cannot access it?

So what happens is things, as we know, they get worse. I think that the one difficulty that is not in this entire Contract for America that they are trying to approach is what happens to the people that do not make it, that fall through the cracks.

Ms. PELOSI. That is laissez-faire. Too bad.

Mr. FARR. Do they end up on the streets as the homeless population we are all very familiar with? I think the security of this Nation, the domestic security is dependent on the confidence that people have in government, and a government that tells you that they are going to help you with one hand, balancing the budget, and with the same hand takes away your own ability to access prosperity is a country that is not telling you the truth.

□ 2115

Ms. WOOLSEY. Mr. Speaker, we are missing another point here. That is that this does not just affect seniors. The sandwich generation comes to me in my meetings, 40-, 50-, 60-, and 70-year-olds say to me, I have a parent in a nursing home. The 70-year-olds could be in a nursing home themselves. But they have got parents they are worried about in nursing homes. They know they will have to start taking on more and more of the responsibility for that parent.

Now, many, many of the sandwich generation also have children that need to go to college, and college education is going up. Loans are going to be far more expensive. These same people are going to want to help their children go to college. They are going to make a choice: Do I send my kid to school, help my child go to college; do I help my parent in a nursing home? And for heaven sakes, where will they ever have any discretionary money to put away so that their children do not have to help them when they are seniors? I mean, we are just squeezing the middle income sandwich generation down to having nothing. They are frustrated and, boy, I do not blame them.

Ms. PELOSI. We talked earlier about the middle income, middle-aged people in America, which includes very many people who are the backbone of society, making such a valuable contribution to the greatness of our country, as they try to do their own jobs, educate their children and feel some responsibility for their aging parents, as you call them, the sandwich generation.

They are so at risk not only under the Medicare cuts but under Medicaid cuts. I think many people are not aware, they think of Medicaid as a poor people program. But very many seniors benefit greatly from Medicaid, whether it is long-term health care or, for example, 5 million American women have their Medicare premiums paid by Medicaid, 5 million American women. Of course that is not the whole number. There are men who have it, too. But women would be particularly hit by this.

These Medicaid cuts compound the problems caused by the Medicare cuts. Poor or nearly poor elderly, those are monthly incomes below $625 a month, may no longer be assured that Medicaid will provide cost sharing protections for their Medicare. As I say, the Medicare can pay for their Medicaid, their Medicare premiums, copayments and deductibles. The copays and deductibles can rise and these people, where are they going to get the money to pay for that? From their children.

These low income elderly are doubly hurt because Medicare premiums and copayments will increase substantially at the same time that the Medicaid Program stops paying for them. Further, under the Republican plan, there would be no more guarantee of coverage for nursing home care after an individual or family has spent all of its savings. There would be no more guarantee that spouses of nursing home residents would be able to retain enough monthly income to remain in the community.

States would be allowed to place liens on the family home and family farms. In addition to all of that, States would be allowed to require adult children of nursing home residents to pay for their parents' nursing home care, which could be $40,000 per year. I mean, where are people going to get this money?

If you have a mother or father with Alzheimer's disease, for example, requiring nursing home care and you are trying to put your children through college, you have good reason to oppose the Republican plan. What the Republicans are doing is wrong, and working families deserve better.

I just might add, apart from the money issue, an absolutely shocking part of the proposal is that they would remove the standards from nursing homes. This is the era of Dickens. We are returning to the past. We would eliminate Federal standards for nursing homes. It is appalling.

Ms. WOOLSEY. Mr. Speaker, when I was a youngster, I was in the Girl Scouts. And every Christmas we would sing to nursing homes and go in and out of these nursing homes. This was in the early 1950's. I mean, I am old. I would leave those nursing homes sobbing because here were these old people sitting on newpapers. I had never seen such dismal situations. Well, it is improved now. There is a reason there are national Federal standards for nursing homes. You go in a nursing home and you can pretty much, at least where I live, feel that somebody is being taken care of with quality and dignity.

Well, I just blink and we could go right back to seniors on newspapers.

Ms. PELOSI. It is very hard to understand why they would think that that is a good idea. But it is also easy to understand why they do not want anybody having public hearings to have to come in and testify as to why that is not a good idea.

I did want to put on the RECORD some more testimony from our hearing in San Francisco, but I am pleased to yield to the gentleman from California if he had something further to add before that.

Mr. FARR. Mr. Speaker, I was just thinking about this issue of national standards. It is too bad that they have not really gone out and asked the American public what they think about it. Obviously we have national standards for aviation. We all use it a lot having to fly back and forth from California. We respect those national standards. They do not leave those up to States. Banks have national standards. The stock exchange has national standards. Drugs have national standards.

I think the American public has realized this in areas where there is a vulnerability at risk, you want some national standards. To say to the most elderly people of this country, your future, your time when you may be most vulnerable in life, most frail in life, we are going to leave this up to your State. If they like you and they have money and they want to spend it on you, they will take care of you.

But what about those States—and you never know where you are going to end up in life, you do not know where you are going to end up being an elderly person, where in your hometown you may not be able to afford it. Many people move in their elderly age to other States, other locales. Is there not supposed to be some kind of equal playing field here, a common denominator that says in this country that we are going to have standards for people that are in need, that are frail and need special care?

Under this proposal they take them all away. In fact there may not be any standards at all. Is it optional that you do not have to take care of people anymore? What kind of country are we developing here?

Ms. WOOLSEY. The gentleman said if the State has money, maybe they will have high standards. What about if the consumer or the patient does not have money? I bet you people who have will be in nursing homes that have high standards. Those who are the most vulnerable, who are on Medicaid, who have the least, are probably going to be the ones faced with the nursing homes without standards. And I think that is what we are talking about today.

We are talking about not having a system, that just the few that have plenty get to have, reap the rights. We are talking about having a country where everybody knows that they can have, can live in dignity when they are old and when they are at the end of their lives, that everybody has options for an education. That middle income families do not feel, are not going to feel pulled in the middle, apart, because they do not know whether they should help their parent in a nursing home or their child in a school and they are feeling badly because they are not putting any money away.

We cannot have a country that only marches to the beat of the top 6 percent of the wealthiest in this country, because that is not what this United States is built on.

Ms. PELOSI. Well, I agree. I think that the one thing that everyone in this body will agree to, and that is that we are proud of our country, that it is a great country and that it is a decent country. And I do not think that greatness and decency are associated with what you just described about how our senior citizens, who helped build our country, would be treated under this plan.

So I think it is very important for people to understand, certainly we have concerns about the poor in our country. But if you are not poor, you are still very much at risk under this plan. And we have said it over and over again. If you are working, middle-age, middle-income people, you will be more responsible under this plan for your parents' care, paying for it, just at the same time as you may be putting your children through school.

I did want to also say how the Republican proposal would undermine, undermine the excellence of the American health care system. People always say, if I ever were to be sick, I want to be sick in America. We had some very fine testimony from experts who gave us their professional judgment about what the impact of these cuts would be.

Congresswoman WOOLSEY mentioned one, Dr. Tom Peters from Marin County. I wanted to quote from the statement of Dr. Wintroub from the University of California, San Francisco, one of the finest teaching hospitals in the country. And Mr. Speaker, I will include his statement as well as that of Tim McMurdo, Tom Peters, and Richard Cordova for the RECORD as well.

Mr. Speaker, Dr. Wintroub testified that by eliminating Medicare payments for teaching and patient care, as well as graduate medical education, the Republicans are putting in jeopardy the future of health care delivery in this country. The indirect medical education adjustment, the direct medical education and the disproportionate share payments account for over 15 percent of all Medicare and Medicaid revenues to UCSF, University of California San Francisco, an excellent teaching hospital, and 42 percent of the total budget for UCSF Medical Center is dependent on Medicare and Medicaid.

In addition to that, Mr. McMurdo, chief executive officer, San Mateo County General Hospital testified that the proposed cuts to Medicare and Medicaid programs will have a catastrophic effect on hospitals and clinics that have heretofore relied on the stability of Federal and State payments to help cover the cost of care. This reliance has grown increasingly important since private insurance carriers continue to cut payments to hospitals and physicians as the number of uninsured people continues to grow. It is estimated that hospitals and other providers in our bay area will lose hundreds of millions of dollars over the next 7 years if these cuts are enacted.

Mr. Cordova, from the San Francisco General Hospital, said, you cannot slash both Medicare and Medicaid, Medi-Cal disproportionate share hospital payments for graduate medical education and indirect medical education support and essentially eliminate the entitlement status for Medi-Cal without causing a virtual earthquake in the provision of health care for many of our most needy residents.

Mr. Peters says, the blunt truth of the matter is, if you ridicule and deny the efforts at comprehensive redesign of the American health care system and instead insist only on weakening two of its most important components, the quality and availability of health care for all Americans is threatened.

Mr. Speaker, the point being that even the wealthiest Americans will not have access to the kind of quality of care that exists today when we undermine it for the rest of the country.

I yield to the gentlewoman from California, if she has anything to say on that subject, as she presided over that section of the panel.

Ms. WOOLSEY. What I would say would be pretty repetitive. But just in general, we did hear that training colleges and training hospitals, health departments, small community hospitals and county hospitals and clinics were subject to closing their doors, if we go with what we are anticipating with the Republican Medicare/Medicaid cuts.

Ms. PELOSI. In the interest of time, Mr. Speaker, I may have to take another special order to go to our third panel. But with your permission, I would like to put their statements in the RECORD. That would be the statement of Mr. Paul Di Donato, Dr. Bergman, and I have one more, but I will reference that.

Dr. Bergman, who is from the Packard Children's Hospital at Stanford said, without a regular pediatrician and with limited financial resources, he was talking about the impact on children, without a regular pediatrician and with limited financial resources, these families will often be

forced to wait until the child's illness has progressed to a more serious and complicated level. Beyond the increased costs of providing health care in the emergency room and treating illnesses of increased severity because of delay in initiating treatment, there is the more important cost, there is the more important cost in unnecessary suffering of children. Delays in treatment often lead to lifelong disabling conditions or chronic illnesses.

□ 2130

And that is not about balancing a budget. It is about a false sense of values.

The other statement I want to put in the RECORD is from Anthony Wagner from Laguna Honda Hospital, city and county of San Francisco. I will be addressing his remarks in another special order.

Mr. FARR of California. I just want to close in my part here, again, reminding people that these are cards from my district that I picked up just this last Monday. Here is one just out of the pile from Beth Binkert from Pacific Grove, and I think the key sentence in here is the second sentence that says:

These actions represent broken promises and unfair treatment to your elderly constituency. In fact, the current cuts will substantially increase out-of-pocket expenses for the seniors you represent.

These cards are to all Members of Congress addressed in care of my office, but that key point, "These actions represent broken promises," and I think tonight we pointed out the promise made here is the tax cut for the rich, not the promise to keep people in their elderly years secure in health care delivery.

The testimony referred to follows:

TESTIMONY ON MEDICARE REFORM BY DEL MARTIN, MEDICARE BENEFICIARY, OCTOBER 2, 1995

I've been hearing some cold hard figures about drastic cuts in Medicare. I'm here to tell you what that would mean to me personally.

In 1994 I received $9,373 in Social Security benefits and $8,267 in additional income for a total of $17,640. I paid $3,854 or 22% of that income on medical & dental expenses, leaving me $13,786 for other living expenses.

In 1994 my doctor bills amounted to $1,130. Medicare approved only $521.34 (less than ½) for payment. We hear a lot about doctors taking advantage of Medicare. In my experience that is simply not true. Medicare clients are lucky to find doctors who will accept Medicare limits. Many doctors say NO to Medicare patients.

The exorbitant expense comes from hospital bills. I underwent outpatient surgery which required the use of operating room and personnel and space for a change of clothes. I was in the hospital for a maximum of four hours. The cost was $1,790. I did not receive a copy of the itemized bill, but presume Medicare did. It was paid in full without question. From past experience I have found that hospitals charge for everything within sight, whether used or not, right down to a piece of Kleenex tissue. If I were a member of Congress I would take a look at hospital costs.

Hospitals are cutting skilled staff although numerous studies show that adequate staffing of registered nurses and other skilled professionals reduces mortality, infection, accident and readmission rates.

Under the Republican bill to cut Medicare for a savings of $270 billion over the next seven years, beneficiaries are being pushed to join health maintenance organizations (HMOs) rather than stay in traditional fee-for-service Medicare. They say managed care is the best vehicle for improving care while containing costs. Long ago I learned the hard way that you get what you pay for. Under managed care HMOs are paid whether or not services are used—an incentive to restrict admissions to hospitals, send patients home too soon, reduce staffing and limit access to specialists.

Containing costs by using HMOs means cutting services. Congress is not dealing with reality. Excessive hospital, HMO, insurer and drug company profits are the source of rising costs.

For me an HMO is not acceptable. To retain traditional Medicare coverage will cost me another $1,000 or more per year. That would raise my medical expenses to about $5,000 or 27% of my present income, which will diminish in the next seven years.

As a delegate to the White House Conference on Aging and a member of the Leadership Council of the National Committee to Preserve Social Security and Medicare, I have been closely following what is happening in Congress. Seniors are more than willing to carry their share of the deficit reduction burden. We are told Medicare is responsible for only 6% of last year's federal deficit. But Congress proposes a 35% cut, not 6%, to reduce the deficit. That is not fair. In 1994 the Pentagon was responsible for 36% of the deficit. Military bases all over the country are closing down, but defense spending is to increase over the next seven years. That is not fair. Congressional leaders refuse to even consider eliminating tax breaks and loopholes which primarily benefit the wealthy. These loopholes will cost the federal treasury $2.5 trillion over the next seven years—almost ten times the amount they want to cut out of Medicare over the same period.

You don't need a Ph.D. in economics to know there is something drastically wrong with this balancing act. Too large a burden is being placed on Medicare and thus on America's oldest, and in many cases poorest, citizens.

TESTIMONY ON MEDICAID REFORM BY MALIKA SAADA SAAR, DIRECTOR, FAMILY RIGHTS AND DIGNITY, OCTOBER 2, 1995

In his book, Faces at the Bottom of the Well, Derek Bell tells the story of aliens who come to this country demanding the possession of Black folks. In return for the US government handing over all African American citizens, the aliens promise to alleviate the nation's environmental and economic ills. After a brief and self-serving debate, the US government agrees to the exchange.

Bell's parable powerfully illustrates the disposability of the African American community, that our community is not valued or considered sacrosanct. When I hear Newt Gingrich talk about low income mothers and children, I am reminded of Derek Bell's story. For it is this same concept of human disposability being demonstrated.

The decision to block grant AFDC, and now Medicaid, to basically strip families of a desperately needed safety net, relegates mothers and children to a caste of disposable human beings. These political decisions simply say to our children that their lives are not valuable, that their futures are irrelevant.

Last week, I was in the Bayview speaking to families. One mother, with tears streaming down her face, approached me. She told me about her child: a six year old boy who stood at the window of his room and witnessed a friend, not much older than him, get killed. Since then, the child has suffered severe mental trauma. He is receiving extensive counseling and therapy.

If Medicaid is block granted, this six year old African American boy will not be guaranteed any of the services presently offered to him under Medi-Cal. His life, his future, will be deemed disposable.

This is political savagery, this is child abuse masquerading as Congressional legislation. The consequences of block granting AFDC, dismantling HUD, and eliminating the Federal entitlement status of Medicaid, will inevitably take the shape of children's and mothers' bodies strewn on the streets of America; they will be hungry, diseased, and disregarded.

How dare we do this. How dare we say to an entire generation of children that their country will not protect nor invest in them. This cruelty must be stopped. If it is continued, low income families will stand on the threshold of extinction. And that is absolutely unacceptable.

TESTIMONY ON MEDICARE AND MEDICAID BY BRUCE LIVINGSTON, EX. DIR., HEALTH ACCESS, OCTOBER 2, 1995

Good morning Members of Congress. My name is Bruce Livingston, and I am pleased to have the opportunity to speak to you today—not in my usual capacity as the Executive Director of Health Access, but as a concerned son.

Just two months ago my father passed away. He died of cancer three days after his 65th birthday. Fortunately for him and for my family, he died with very little pain, soon after he was diagnosed with cancer. And fortunately for my mother and for my family, he planned for their security—and their health care—after his retirement.

My father retired from civil service at the age of 62 after serving with the US Air Force in Korea and Viet Nam, and then as the civilian director of 600 staff persons at the Army Corps of Engineers in Alaska. He was an accountant and a very careful financial planner for both the US Government and his family. He made sure that when he retired, all of his bills were paid, his car was paid off, and his house expenses could be covered by his monthly pension. Because he retired as a veteran, he had the VA safety net, but the heart of his medical coverage planning was Medicare and Medicaid. He purchased an HMO plan for my mother. He shopped very carefully so that they had enough coverage in case either he, or my mother fell ill.

When he died, my mother's benefits from his pension were reduced. My mother still receives a potion of his pension and social security, but it is much less than what they received while he was alive. Yet my mother's monthly household expenses have not decreased—they are exactly the same. She has no source of income to fall back on.

If Medicare and Medicaid should be reduced, and my mother is forced to pay higher premiums for less coverage at her HMO, her very tenuous safety net could spring a big hole. Right now, my mother is a healthy

woman. The proposed cuts by the Republican leadership would reduce the reimbursement rates to doctors and health care facilities. Who knows how her HMO will respond to these reductions. Hopefully, the standard procedures she now depends on will still be covered. But if she is asked to pay out of pocket for any procedures, her whole world could come tumbling down. It is also possible that the HMO could increasingly deny operations, tests, and access to specialists.

My parents house, their biggest reward for a lifetime of work, could also be lost if long-term care coverage is cut out of Medicaid, or if Congress cuts Medicaid costs by making the homes of the elderly part of their payment.

My father worked very hard to provide security to his family. This was the most important thing in his life. While at his military funeral, before his final twenty-one gun salute, I thought about a conversation I had with him a dozen years after he returned from a two year tour in Viet Nam. I asked him why he fought in that war. He said it was not his role to question the government. He ended the conversation by saying simply, "I wanted to care for my family."

My father would turn over in his grave if he thought that the security he built for my mother was threatened because of proposals of tax cuts for the wealthy. He believed completely in the promises made to him by the US Government—both as a member of the military and as a retired civil servant.

He and my mother made their financial decisions based on the promise that Medicare and Medicaid would be there for them, to cover their health care needs, when they needed it, for as long as they needed, once retired. My parents kept their promises to the US Government. Now, as their son, I ask you to keep your promise to them. Don't cut Medicare and Medicaid. Please don't end these entitlements.

TESTIMONY ON REDUCTIONS IN MEDICARE AND MEDICAID FUNDING

(By Richard Cordova, Executive Administrator, San Francisco General Hospital, October 2, 1995)

Madam Chair and Members of this Committee: I am Richard Cordova, Executive Administrator and Chief Executive Officer of San Francisco General Hospital.

Thank you for holding this hearing and for the opportunity to appear before you today. I am astounded at the paucity of public hearings on the health care impacts of proposed federal reductions. I recognize that the gravity of these proposals demand unusual community outreach and public deliberation. True opportunities for this discourse have been denied in Washington. As such, I appreciate your efforts to bring this discussion back to San Francisco so that we may have the opportunity to share with you our fears and projections for these sweeping reductions in Medicare and Medicaid financing.

The only reason we have had the luxury of debating rather than enacting universal health coverage in recent years is because of a small and extremely fragile institutional health safety net. This safety net is centered around no more than three to four hundred public and nonprofit hospitals nationwide, a much smaller number of children's hospitals, and a nationwide (but poorly funded) network of community health centers and rural health facilities.

We have already witnessed the deterioration of many of these essential safety net providers in recent years. With the failure of Congress to enact a national health plan setting the goal of universal coverage, our nation's safety net is facing a crisis today of unprecedented proportions.

The number of uninsured are growing. Many state and local governments are aggressively curbing their own health spending. In other words, this crisis would exist even without the potentially devastating impact of the budget reductions currently proposed for the Medicare and Medicaid programs, which could make this situation substantially worse.

Preliminary analysis of the proposed reductions clearly threaten the quality of and access to care, for already vulnerable members of our community, children, the elderly, the disabled, the working poor, low-income, immigrants and the indigent.

The Republican proposal requires massive reductions over the 7 year period from 1995 to 2002. To achieve this goal, 53% of the proposed $894 billion in federal reductions comes from health and human services programs.

The Republican Medicaid and Medicare cuts are based on three strategies: Capping growth in expenditures, limiting the scope of benefits, restricting the number of persons eligible for programs.

Public hospitals receive significant funding from Medicaid and Medicare to provide services to the poor and indigent. Roughly 77% of San Francisco General Hospital's revenue are from these sources. As a result, significant funding reductions will severely impact the Hospital's ability to meet critical acute care and emergency care needs for these populations.

In addition to functioning as a safety net hospital, the Hospital provides invaluable services to the entire community. For example, San Francisco General Hospital is the only designated Level 1 Trauma Center in the region and the sole provider of trauma care to San Francisco residents and visitors. The Hospital admits over 2,700 critically injured patients per year. San Francisco General Hospital is also the Bay Area regional Poison Control Center. This Center responds to poison control calls for all nine Bay Area counties.

We are also the largest provider of HIV care, and have been recognized by the U.S. News and World Report as the Number One provider of HIV care in the country, and the only provider of emergency psychiatric services. The federal budget proposal jeopardizes all these programs which benefit the entire San Francisco community.

As a business entity, SFGH is a significant contributor to the San Francisco economy, putting approximately $220 million back into the City's economy each year.

The National Association of Public Hospitals estimates that San Francisco General will lose $182 million in Medicaid revenues from fiscal years 1996 through 2002. Over the seven year period, this is the equivalent of receiving no Medicaid revenue at all, for one and a half of the seven years. Reductions of this magnitude would require the Hospital to significantly reduce its outpatient, acute care, emergency care and specialty care services.

Since the early 1980s, California has contained growth in Medi-Cal expenditures by restricting eligibility, limiting the scope of services and instituting select provider contracting for hospital services. As a result, California is 49th in the amount expended per Medi-Cal beneficiary. California spends $602 per Medi-Cal child, approximately 40% less than the national average of $955; California spends $4,929 per Medi-Cal elder, approximately 45% less than the national average of $8,704.

The GOP reduction proposals penalize a State for adopting cost savings measures that other states have not adopted.

California will have very few choices if Medicaid reductions are approved, the state will be forced to further reduce eligibility, increase taxes, reduce or eliminate program benefits, or reduce or eliminate other State programs.

Restricting eligibility of Medicaid programs will increase the number of uninsured Americans. According to the Kaiser Commission, 7% to 18% of California's Medi-Cal eligibles may lose coverage by the year 2002.

There are an estimated 156,000 uninsured in San Francisco. This number could increase by 10,000 to 30,000 if the proposed reductions are passed.

The increased burden for providing health care to individuals who are no longer eligible for Medicaid and become uninsured will shift to the counties, at an increased expense.

County health care systems are uniquely reliant on governmental support to provide care to Medicaid and Medicare beneficiaries, the uninsured, working poor families and indigent persons, the City and County of San Francisco is no exception.

Over the past five years, the Department has significantly reduced City and County general fund support for health care services by maximizing reimbursement from the State and Federal governments. As a result, since 1991–92, the Department has reduced the City and County general fund allocation by $63 million.

Forty-seven percent of the San Francisco Department of Public Health's revenues are from Medicaid and Medicare. The majority of these funds are used to provide primary care in community-based health centers, outpatient and acute care to the poor at San Francisco General Hospital, and long-term care to the disabled and elderly at Laguna Honda Hospital.

Only 16% of the Department of Public Health's funding comes from the City and County. These funds are used to pay for acute care, primary care, mental health, substance abuse and health care services for the indigent, uninsured and incarcerated persons at the County's jails.

In sum, public hospitals and health systems provide a wide range of primary care and specialty services. Some public hospitals, such as San Francisco General Hospital, also provide trauma care, a burn center, high-risk obstetrics and neonatal intensive care, spinal cord/brain injury rehabilitation, emergency psychiatric services, and crisis response units for both industrial and natural disasters. In addition, California's public hospitals train one-third of the State's physician residents. These critical services and activities must be preserved under any federal cost containment strategy.

There are many unanswered questions still associated with these proposals. As the SFGH Executive Administrator, I am weary of "budget blue prints" which require massive reductions without a specific plan of action. I know that you are familiar with the expression, "The devil's in the details." The few details which have been released do not bode well for the protection of a viable safety net in our country.

You can not slash both Medicare and Medi-Cal Disproportionate Share Hospital payments, reduce payments for Graduate Medical Education and Indirect Medical Education support, and essentially eliminate the entitlement status for Medi-Cal without causing a virtual earthquake in the provision of health care for many of our most needy residents.

Let me remind all of us here today, that these proposals will *increase* the need for safety net health care services, while *reducing* funding to meet this increased need.

According to State law, the County is obligated to continue in its role as the provider of last resort in spite of reduced federal support. The City and County will unequivocally be required to increase its support for health care services in response to these reductions.

Thank you again for holding this hearing. I look forward to our continued advocacy in the spirit of good will and humane public policy.

TESTIMONY ON THE IMPACT OF POTENTIAL REDUCTIONS IN THE MEDICARE AND MEDICAID PROGRAMS

(By Timothy McMurdo, Chief Executive Officer, San Mateo County General Hospital, October 2, 1995)

Good morning, my name is Tim McMurdo. I am the Chief Executive Officer of the Division of Hospitals and Clinics of San Mateo County located approximately 20 miles south of San Francisco, California. Our hospital in conjunction with other health services of the county provide a safety net for over 60,000 individuals who are indigent, uninsured and under insured. Many of the individuals we serve receive Medicare and Medicaid benefits.

The Medicare and Medicaid programs pay for a significant amount of the care that is provided in hospitals and by physicians. Medicare generally accounts for a larger portion of the payor mix in private hospitals with Medicaid (Medi-Cal in California) paying for a smaller part of the payor mix. In public hospitals this Medicare/Medi-Cal payor mix is usually inverted with Medi-Cal often making up the largest group of patients cared for. In both the private and the public sector, however, the programs combined can amount to over one-half of the net revenues received by hospitals to pay for care.

The proposed cuts to the Medicare and Medicaid programs will have a catastrophic effect on hospitals and clinics that have heretofore relied on the stability of federal and state payments to help cover the cost of care. This reliance has grown increasingly important since private insurance carriers continue to cut payments to hospitals and physicians and as the number of uninsured people continues to grow.

It is estimated that hospitals and other providers on the San Francisco Bay Area Peninsula will lose hundreds of millions of dollars over the next seven years if these cuts are enacted. These losses will undoubtedly place hospitals that are currently in financial jeopardy due to rapid changes that have already taken place in the health care market, at a much higher level of risk of closure or significant curtailment of programs and personnel. Moreover, heavily utilized public hospitals will be required to take on an even greater burden of uncompensated care as resources at private hospitals to provide charity care dwindle and as those once eligible to receive benefits from Medicare and Medicaid now find themselves in the ranks of the uninsured. It can be assumed that ultimately counties will bear the brunt of the financial responsibility for caring for this increased number of patients dispossessed by Medicare and Medicaid. If county revenues are not available to pay for this additional burden of care, access to many important medical services will be reduced or possibly eliminated. Since Medicaid is a program primarily designed to support poor women with children and older Americans in need of skilled nursing care and long term care, these cuts could be particularly harsh to those who are most vulnerable and who need the care most.

Most hospitals have already reduced their administrative and overhead cost significantly to stay in step with cuts in reimbursement coming from the private health insurance industry. Additional cuts from Medicare and Medicaid will now directly affect those providing care to patients at the bedside. San Mateo County General Hospital for example, estimates that over 80 positions or 15% of the work force including physicians, nurses, ancillary and administrative staff would have to be eliminated. This would result in 500 less patients per year being admitted to the acute setting and 5,000 to 7,000 patients not being able to see a primary care physician or specialist for outpatient services. At larger hospitals on the Peninsula the effect would be greater. Cuts in Medicare and Medicaid will also negatively affect other traditional services offered by counties. In addition to inpatient hospital care, services for the mentally ill and adults with disabilities, in-home support services for the elderly and disabled, and public health nursing will all be affected.

Hospitals on the Peninsula are also major employers that spend in the aggregate approximately $200,000,000 per year for over 5,000 employees. Cuts in Medicare and Medi-Cal would affect local economies as well if major losses of jobs result.

The centerpiece of the Medicare cuts appears to be in incentive programs that will give individuals a chance of keeping traditional Medicare benefits by paying more for those services or shifting to a managed care or health maintenance organization (HMO) arrangement where there is no out-of-pocket cost. The ability of HMO's to control cost and provide high quality care in particular to a population like Medicare beneficiaries who often require higher cost sub-specialty care is unclear. It is clear, however, if the HMO model is adopted, choice and access to hospital and specialty physician providers will be controlled through primary care physicians with the incentive to manage each case at the least expensive level of care as possible. This may create conflict between patients and physicians and other providers as well who must increasingly make decisions regarding care with the financial impact in mind.

In addition block granting Medicaid dollars raises many questions regarding the equitable distribution of those dollars based on actual utilization within the states and the potential for states to spend these dollars on items other than their intended purpose.

In summary, the proposed cuts will have a major impact on service availability and access for patients. However, hospitals and medical providers are bound by legal, ethical and moral standards by which they must provide care. The proposed reduction will not correspondingly release providers from those requirements. How quality can continue to be maintained at the highest standard without adequate resources is an open question. I urge you to oppose the cuts in the Medicare/Medicaid programs on behalf of all individuals who will suffer as a result of them and for the many hundreds of thousands of health professionals who have committed their lives to making the health care system of the United States of America second to none.

TESTIMONY ON MEDICARE AND MEDICAID REFORM BY THOMAS PETERS, PH.D., DIRECTOR, MARIN COUNTY DEPARTMENT OF SOCIAL SERVICES—OCTOBER 2, 1995

Good morning. My name is Dr. Thomas Peters. I am the Director of Health and Human Services for Marin County, and I also serve as the Chairman of the Association of Bay Area Health Officials, and as a member of the Executive Committee of the County Health Executives Association of California.

Our time this morning is limited, but let me share with you some reactions and observations about the current proposals to "reform" Medicare and Medicaid.

I

As a number of you know, I have been privileged to serve as a public health official in the Bay Area for more than 22 years, 17 years in the Health Department here in San Francisco, and the last 5 in Marin County.

Over those years, I have travelled regularly to Sacramento and Washington, and in fact have just returned from Washington D.C., where I had the opportunity, and the shock, of learning more detail about the "radical reform plan" to strip nearly a half-trillion dollars from Medicare and Medicaid.

Having read everything I could find about these proposals, and having had numerous discussions in Washington, I was left frankly astounded, flabbergasted, and chagrined:

Astounded—because the only meaningful hearings on such a complex and critical matter for the country were being held outside the chambers of Congress.

Flabbergasted—because of the striking absence of specificity regarding the "reform" proposals. In California, for even a fraction of the changes being proposed, we would have to hold, under mandate of law, specific, detailed hearings on the cuts and their likely impact. Every cut . . . every position . . . every program reduction, would have to be posted and explained.

Chagrined—because with the notable exception of the efforts of those Congressional members who held the outside hearings, and with the writings of a few commentators, I simply do not sense the urgency of the threat which these proposals pose to the health of every American.

Let's look more closely at these "reform" proposals, at least at the broad outline that has thus far been revealed.

Given the scope, magnitude, and intent of what we now know about the frighteningly-fast proposals to change Medicare, I would say that if the health care field had the equivalent of a District Attorney, the "radical reform plan" would be subject to three violations, each filed as a felony—for fraud, extortion, and assault:

Fraud—To date, we have seen no verifiable evidence that the magnitude of Medicare's problems require a $270 billion expenditure reduction. It is commonly known that some financial correction in Medicare is needed, and that, indeed, some significant savings could be achieved. But $270 billion?! Where is the actuarial data to back up this demand?

Extortion—If the attempt is successful in simply declaring the problem to be so severe as to warrant these draconian reductions, then tens of billions of dollars will have to be suddenly extracted from this country's medical providers. This would undeniably undermine the basic financial structure of America's hospitals, clinics, nursing homes, and medical offices.

Assault—Count 1 will be for assault against seniors, for they will be the ones most immediately threatened by these proposals. The sicker they are, the more outcast

they will become, and the more harm will befall them.

Count 2 will be assault against working Americans. Not only will they invariably be forced to pay much more for their health care, but they will also find the health care network on which they and their families depend will be weakened and more inaccessible.

III

Let me turn to the seniors themselves:

I am the health director for the "grayest" county in California—that is, the county with the oldest average age.

As such, I have the advantage, the pleasure, and the privilege of talking with many seniors. They have much to say, so let me for a moment speak on their behalf.

Increasingly, they will admit to being scared, worried, and angry:

Scared—because as they get sicker and more infirm, in many cases needing nursing home and in-home care, it will be less available and less monitored. In addition, they understand (even if some policy-makers do not), that the combined half-trillion dollar reduction of Medicare and Medicaid is a direct threat to overall health care quality and accessibility—in hospitals, in nursing homes, in doctors' offices.

They know that Medicaid is the "safety net" for Medicare, and that many of the poorest and sickest seniors have only this double system to care for them. If you rip Medicare and then go on to shred Medicaid, many will be injured or killed in the fall.

Worried—about the pressures and dilemmas they may cause to their own children—forcing these children into the "sandwich generation," having to choose between the well-being of their parents and their children.

Angry—because the math being presented in these "radical reform" proposals just doesn't add up. While they may be gray, they're not stupid, and they correctly sense a high degree of chicanery.

IV

You will hear the claim that these "reform" efforts are new and creative, cleverly crafted to generate huge savings without dire consequences.

If only that were so.

The blunt truth is that this "radical reform plan" is not creative, but crushing, and it will soon be seen as a matter not of reform, but of regret.

What the just-released analysis by the impartial Congressional Budget Office reveals is a plan notable only for being flat-footed and ham-handed: of the total projected "savings," nearly $200 billion will be created simply by denying payment for services in hospitals, clinics, nursing homes, and medical offices.

In other words, the masterminds of this scheme intend to earn their money the old-fashioned way: steal it.

And finally, you will hear from the supporters of the "radical reform plan" that these changes, as painful as they may be, are necessary in order to save both Medicare and Medicaid.

Nothing could be further from the truth.

Actually, their claim is reminiscent of the haunting and infamous remark during the Vietnam War: "It became necessary to bomb the village in order to save it."

The blunt truth of the matter is this: if you ridicule and deny the efforts at comprehensive redesign of the American health care system, and instead insist only on weakening two of its most important components, the quality and availability of health care for all Americans is threatened.

V

Let me conclude with this remark.

The public should be aware that certain members of Congress, in giving voice to the justifiable medical, social, and financial fears engendered by the radical proposals, are being charged with being "morally bankrupt."

That's strong language, and a grievous charge against their integrity. Instead, they deserve credit for courage. For indeed:

What is "morally bankrupt" is proposing profound changes in the American health care system in a manner that is not honest in its explanation of either the intent or the impact.

What is "morally bankrupt" is rejecting and ridiculing the previous calls for comprehensive health care reform, and now proposing instead to weaken the system of medical care for the elderly, for the young—indeed for all Americans.

And what is "morally bankrupt" is to attempt to deny the American people their basic right to debate and discuss issues of profound social change, and of life and death.

The members of Congress seeking to slow the runaway of "reform" in Washington deserve acknowledgement for being morally courageous in their struggles to honor a national commitment to the ill and aged of America. On behalf of the health and well-being of all Americans, we should immediately give these representatives our full support.

TESTIMONY ON MEDICARE AND MEDICAID REFORM BY BRUCE U. WINTROUB, MD, EXECUTIVE VICE DEAN, UNIVERSITY OF CALIFORNIA, SAN FRANCISCO—OCTOBER 2, 1995

Academic medical centers serve a state and national need:

They ensure Americans the highest quality of health care in the world; and

They are a national resource for this reason.

UC's academic medical centers share a three-fold mission with the nation's teaching hospitals:

Training the next generation of physicians;

Performing innovative and life-saving clinical research; and

Providing patient care for the sickest and often neediest patients.

Academic medical centers are instrumental to the vitality of California's economy:

As major employers within their regions; and

As a research engine for California's leading $7.7 billion biotechnology industry. The industry's three major companies trace their origins to our medical centers.

UC's academic medical centers have responded to California's fiercely competitive health care market by cutting costs and managing care:

$200 million in cuts at UC medical centers over the past three years. The centers plan to cut another $75 million in the current budget year; and

US's teaching hospitals are regional centers of treatment and diagnostic innovation and have affiliated with community hospitals, non-profit clinics and physician groups to form efficient and integrated delivery systems. UC has also increased training of versatile primary care physicians.

However, California's academic medical centers face unique issues and circumstances:

California is the nation's most aggressive and competitive health care market. The penetration of managed care is more than twice the national average for the private sector and more than four times the national average for Medicare;

HMOs refuse to share in the responsibility of paying for our teaching mission and are capturing dollars intended to pay teaching hospitals for the greater costs they incur. The California Association of Hospitals and Health Systems estimates the windfall for California HMOs will be $280 million this year alone; and

California's teaching hospitals are losing millions of dollars because of the way Medicare calculates payments to HMOs. The Medicare formula for paying HMOs includes special payments—the Indirect Medical Education Adjustment, the Direct Medical Education and Disproportionate Share payments—that Congress intended for teaching hospitals. HMOs are not required to pass through these payments to the institutions that incur the costs, putting medical centers at a competitive disadvantage.

UC is very concerned about the impact of Medicare reform on our ability to carry out our unique teaching and patient care missions:

Several proposals under consideration would slash specific Medicare payments which are earmarked for paying costs associated with teaching and patient care. These payments—the indirect medical education adjustment (IME), the direct medical education (DME) and disproportionate share payments (DSH)—support a significant portion of UC's medical center operating budgets; and

Medicare and Medicaid payments account for 42 percent of our medical centers' net operating revenue. In turn, the IME, DME and DSH payments account for 36.5 percent of the total Medicare and Medicaid payments to our medical centers.

In addition, proposals targeting funding cuts for graduate medical education would have a devastating impact on UC's medical centers:

One plan would cut IME payments by as much as 60 percent; eliminate DSH altogether, and reduce DME funding by as much as 30 to 40 percent;

Under this scenario, UC medical centers would lose as much as $55 million from the IME reduction alone; cuts to all three programs would represent a loss of more than $100 million; and

These are real cuts; they would be in addition to other proposed changes and reductions that all hospitals, including UC's medical centers, would have to absorb.

Under current proposals, UC's teaching hospitals would be hurt disproportionately and each of our five medical centers would face dire choices:

We believe that the unique missions of our medical centers should be protected. We believe that Congress should adopt the following principles as it works to reform the Medicare system:

Preserve the core missions of academic medical centers;

Protect teaching hospitals from Medicare reductions that are greater than the overall percentage reduction in the Medicare program;

Fix the current Medicare managed care formula that diverts graduate medical education funding away from the teaching hospitals that incur the costs of training physicians; and

Make graduate medical education a shared responsibility of the private and public sectors.

TESTIMONY ON THE IMPACT OF MEDICAID REFORM ON CHILDREN BY DAVID BERGMAN, MD, VICE PRESIDENT FOR QUALITY OF CARE, PACKARD CHILDREN'S HOSPITAL, STANFORD UNIVERSITY, OCTOBER 2, 1995

Congresswoman Pelosi and other distinguished guests, my name is Dr. David Bergman and I am here today to represent Packard Children's Hospital. I am a practicing pediatrician and Vice President for Quality of Care at LPCH. I also serve as Chairman of the Academy of Pediatrics Committee on Quality Improvement and I have been involved with numerous research projects assessing the quality of care delivered to children. Thank you for the opportunity to testify today on the impact the proposed reductions in Medicaid will have on children and their families.

I would like to begin by reminding all of us, that when we speak of reductions in Medicaid funding, we are speaking of reductions in access to health care for children.

Not only are there direct impacts on children, such as reducing the number of children eligible to receive Medicaid there are also indirect impacts. Many of the proposed reductions will limit the ability of physicians and children's hospitals to provide the breadth and depth of services needed to provide the high quality of care that children deserve.

As we look at what the financial impacts are on Packard Children's Hospital and other children's hospitals, we are really speaking about the impacts on children, especially low income children, and their ability to get the health care necessary to live full and productive lives.

We believe that increased Medicaid savings and enhanced state flexibility can be accomplished while preserving Medicaid as the nation's health care safety net for children.

In any Medicaid restructuring, we urge your support of three key issues.

1. Ensure equity for California Medicaid recipients;

2. Protect the health care safety net for children from low income families; and

3. Protect children with special care needs.

All three of these areas are important in maintaining good health for children. Children are the healthiest segment of our community, but also other than the elderly the segment least likely to have commercial health insurance. Medicaid is the health insurance for over one quarter of all children.

Congress in its wisdom several years ago, untied Medicaid from welfare and instead tied it to income levels. Most of us do not realize that a majority of the children on Medicaid are white and live in two parent families with at least one working parent. These children need our help. If it wasn't for Medicaid, approximately 40% of all children would be uninsured. Even with Medicaid, approximately 16% of our children are still uninsured.

Fewer dollars translates to more children without health care insurance and less comprehensive coverage for those who are eligible. And no insurance limits the ability of children to get the needed and timely medical care. This may mean that children who are currently seen in primary care clinics—at Packard 89% of our primary care visits are for children who have Medicaid—and obtain well child exams and immunizations, or treatment for acute illnesses will either not receive preventive health care or will be forced to use the emergency room as their "medical home."

Without a regular pediatrician and with limited financial resources these families will often be forced to wait until their child's illness has progressed to a more serious and complicated level all the time hoping the illness will spontaneously resolve.

Beyond the increased costs of providing health care in an emergency room and treating illnesses of increased severity because of delay in initiating treatment, there is the more important cost in unnecessary suffering of children. Delays in treatment often lead to lifelong disabling conditions or chronic illnesses.

California has long been a leader in providing quality health care to its citizens in a cost effective manner. Currently, however, California is 48th in the nation in its per person expenditure of Medicaid funds. For children, the average cost per enrollee is $601 versus $955 nationally. As a Medicaid growth state, the proposed program cap will not only fail to cover California's growth in eligibles (primarily children) and hospital price inflation, but will perpetuate existing funding inequities and punish California for developing a cost-effective program. We need to ensure equity for California's children.

One way to protect the health care safety net for children from low income families is to maintain disproportionate share as a separate program.

Disproportionate share helps to maintain the health care safety net for children from low income families because Medicaid does not cover the full cost of care. Disproportionate share is a program that was initiated by the federal government and is matched by states to provide additional dollars to hospitals that care for a disproportionate number of patients who receive Medicaid or are uninsured. On average, the base Medicaid payment covers only 80% of every dollar a children's hospital spends to care for a child. Even with the addition of disproportionate share payments, Medicaid on average pays less than the full cost.

Children's Hospitals are recommending that disproportionate share dollars be paid directly to disproportionate share hospital providers and that minimum guidelines for qualification be established. This could save approximately $6 billion annually.

Without disproportionate share dollars, the barriers to access health care for low income and uninsured children will increase.

Based on preliminary analysis and projected savings outlined in the approved House and Senate budget resolutions, we estimate that the potential long term impact on Lucile Packard Children's Hospital would mean fewer available federal and state dollars ranging from $38 million to $105 million over the next seven years.

Next, we must protect children with special health care needs and incorporate minimum national standards for eligibility and access to medically necessary and appropriate care for children.

Many children's hospitals including Packard Children's Hospital have patients from multiple states. This is an even greater problem for children's hospitals located in close proximity to state boundaries. Not only is it essential that all children be treated equitably regardless of where they live, but it is equally important that they have the same access to quality medical care as those fortunate enough to have what private insurance can obtain. By this I mean, that children should be guaranteed access to pediatric specialists and subspecialists.

I offer you an example from the commercial insurance side, of a patient whose family fought for his right to have medically appropriate care by a pediatric subspecialist. Imagine this same situation, if you will, for the typical family who receives Medicaid and ask yourself whether or not the families of these children will be able to fight for the most appropriate medical care to which their children should be entitled or will they be forced to receive inadequate and at times life threatening care.

Recently, we had a child at Packard Children's Hospital who was diagnosed with Wilms tumor. This is a type of kidney cancer unique to children. The child was in a managed care plan and was referred to a surgeon who cares for adults and who had no experience in treating Wilms tumor.

The appropriate treatment requires surgery provided by pediatric surgeons and pediatric oncologists. The father objected to having a surgeon trained in adult urology who had never previously performed this surgery and requested that his child be treated at Packard Children's Hospital where a leading pediatric surgeon with extensive experience with Wilms tumor was based.

Fortunately, for this patient, the father had the sophistication and resources to have his child be treated by the appropriate pediatric specialists in spite of the managed care plan and physicians denial of coverage. The father later sued the insurer and an arbitrator found in favor of the parent. As a result of his efforts, all insurance carriers in California now have to provide appropriate pediatric specialty services. Should we allow anything less for children receiving Medicaid?

TESTIMONY ON REDUCTIONS IN MEDICARE AND MEDICAID FUNDING BY ANTHONY WAGNER, EXECUTIVE ADMINISTRATOR, LAGUNA HONDA HOSPITAL, OCTOBER 2, 1995

Madam Chair and Members of this Committee:

I am Anthony Wagner, Executive Administrator and Chief Executive Officer of Laguna Honda Hospital, which is located here in San Francisco.

Thank you for holding this hearing, and for the opportunity to appear before you today to discuss the grave implications of projected Federal budget reductions in Medicare and Medicaid financing.

As you may be aware, Laguna Honda Hospital (LHH) serves more patients than any other municipally operated facility in our country. This represents approximately 40% of staffed long term beds in San Francisco. Our 1995 year to date average daily census is 1,170 patients. There are approximately 80 persons on the waiting list for admission to LHH.

Our patients exhibit a wide variety of medical conditions. Over 700 of our patients currently suffer from dementia, at least 60 of these patients exhibit the behavior of "dementia with wandering". This condition requires additional precautions, including the provision of medical care in a locked area, to ensure patient safety. We also provide specialized hospice, HIV and head injury care to our patients. Over 22% of our patients are under the age of 60, with the average age continuing to drop. An increasing number of our patients are exhibiting complex medical and psychological problems. I attribute this increase to societal trends which include increased drug abuse, heightened consequences of risky behaviors and an increase in years of life. Unfortunately, these individuals are too medically compromised to be placed in other institutions.

I stand before you today chagrined by the moral and financial forecasts associated with the Republican proposals for Medicare

and Medicaid. As the Executive Administrator of Laguna Honda Hospital, I find myself in the perilous position of interpreting legislation which may portend grave consequences for the health and safety of our patients and staff.

The GOP budget reflects disproportionate cuts in health and human service related programs, a full 53% of the $894 billion in proposed reductions is slated to come from these programs alone. It is impossible to slash $182 billion from Medicaid, $270 billion from Medicare and $588 million from Substance Abuse and Mental Health programs over the next seven years without compromising the integrity of the traditional safety net, and threatening the ability of providers to offer timely, culturally competent, and cost efficient medical services to a vulnerable population.

Individuals and service providers most acutely affected by these cuts will also suffer from *simultaneous* elimination or reduction of critical welfare, education, housing and labor related programs.

Let me elaborate on a few of the financial consequences associated with these proposals:

The San Francisco Department of Public Health projects at least a $2.9 million revenue reduction this year (1995-96) from Medicaid. The reductions would be in long-term care and in acute care. This revenue loss increases to $69 million in fiscal year 2001-2002 alone.

17% of the State's Medi-Cal expenditures are spent on long-term care. There is a significant need for these service. For example, although Laguna Honda Hospital, has one-third of all skilled nursing beds in the City, it consistently has a waiting list for admission into the Hospital.

Over 93% of Laguna Honda Hospital's budget is based on Medi-Cal revenues. Significant changes to the Medicaid reimbursement rate will result in drastic consequences for our hospital, as well as other long term care facilities in the State.

In San Francisco, this shift will force an increased reliance on the City's general Fund for support. Currently, Laguna Honda Hospital draws no general fund dollars, with the advent of these changes and the elimination of a "State Match Requirement", the county general fund may be forced to assume up to 50% or approximately $50 million of our currently projected budget.

Laguna Honda Hospital operates a small acute care hospital along with its long term care facility, as such, it is officially designated as a Distinct Part Skilled Nursing Facility. This designation allows for a higher reimbursement rate, than a free standing facility, in recognition of the acuity of these patients. This rate is now vulnerable to an as-yet undefined reduction.

I would be remiss in my responsibilities if I spoke only on the impact of Medicaid reductions. As you are aware the Medicare reductions are equally ominous, especially as they relate to the provision of safe, humane and appropriate long term care. As the nation's population ages, the need for long-term care increases. The Medicare population has doubled since the program began, from 19.5 million in 1967 to 37 million in 1995.

The current House language does not specify exactly how $270 billion in federal Medicare reductions will occur. The allocation of the "Fail-Safe" spending limit is not defined, thus making it impossible to accurately analyze. None the less, it is obvious that physician and hospital rates will face negative adjustments.

In addition to the funding reductions, the GOP proposes to remove federal standards of care for nursing facilities. Removal of these standards severely compromises the community's ability to ensure high quality, appropriate and timely quality care to residents in these facilities.

Both the House and Senate bill include the repeal of the "Boren Amendment" and related federal provisions which mandate provider rates that are comparable to those paid in the private sector, and that are based on costs.

Finally, I am worried about a proposal which would pay bonuses to facilities in low cost areas with relatively healthy patients, and would penalize facilities in higher cost areas with relatively sicker patients.

In sum, the Republican bill leaves the elderly and their families unprotected. This bill takes away current legal protections from the elderly and their families:

There would be no more guarantee of coverage for nursing home care after an individual or family has spent all of its own savings.

Those elderly whom States elected to cover would no longer have a guarantee of choice of which nursing home or home care provider to select.

There would be no more guarantee that spouses of nursing home residents would be able retain enough money to remain in the community.

Nursing home residents (whether covered by Medicaid or not) would no longer be protected from the use of restraints, drugs or other poor quality care.

States would be allowed to impose liens on personal residences (including family farms).

States would be allowed to require the adult children of nursing home residents to contribute toward the cost of their parents care, regardless of the financial circumstances or family obligations.

Elderly with incomes below poverty ($625 per month) would lose their guarantee to assistance with their monthly Medicare premiums, deductibles, and coinsurance.

Given the preliminary information which has been revealed to date on these proposals, I have grave concerns about our ability to continue to provide quality medical care to a growing population with increasingly complex needs.

From increased co-payment requirements, to reduced facility assurances; from slashed hospital and physician reimbursement rates to the ruse of medical savings accounts, it is clear that both patients, providers, facilities, the general population and surely the county government will be forced to shoulder additional and unbearable burdens associated with these cuts.

I sincerely appreciate your attention to this situation, by calling for a special hearing on these critical issues. Thank you for the opportunity to share my views with you today.

I look forward to our continued dialogue, as these proposals take shape.

TESTIMONY ON PENDING CONGRESSIONAL MEDICAID PROPOSALS BY PAUL DI DONATO, SAN FRANCISCO AIDS FOUNDATION, OCTOBER 2, 1995

My name is Paul Di Donato and I am the Director of Federal Affairs for the San Francisco AIDS Foundation. The AIDS Foundation serves over 3000 clients annually with direct client, case management and housing services, develops HIV education and prevention initiatives, provides research and treatment education and engages in local, state and federal public policy advocacy efforts around HIV/AIDS issues, including work on national health care reform last year and the battle to save Medicaid this year. I am pleased to be here to testify about the critical importance of Medicaid to people living with HIV/AIDS in San Francisco, in California and across the nation.

The importance of continued adequate funding of and federal standards for Medicaid—as a matter of life and death for people with HIV/AIDS—becomes crystal clear when one realizes the tremendous extent to which the bulk of people with HIV/AIDS rely on Medicaid. The HIV/AIDS trends in Medicaid are also essential to understand. In fact, when one analyzes these facts, the likely impact on people with HIV/AIDS of the current Republican proposals before Congress becomes frighteningly clear.

Medicaid provides health coverage to over 40% of people with HIV/AIDS nationally, including over 90% of pediatric AID cases. In California, this figure is close to 50%. In the Bay Area, it is close to 60%. Medicaid is the largest insurer of people with HIV/AIDS and has become increasingly so through every year of the epidemic. The growth trend in Medicaid coverage of HIV/AIDS health care is astounding. Between 1991 and 1995 alone, the Health Care Financing Administration estimates that Medicaid HIV/AIDS care costs more than doubled. In California, the figures quadrupled from 1986 to 1993.

Medicaid will provide close to $4 billion worth HIV/AIDS care nationally in 1995, a figure that includes the federal and state contributions. In comparison, the Ryan White CARE Act has been funded at $656 million for FY 1996, thus making Medicaid the largest, single HIV/AIDS program funded by either the federal government or the states. In California, Medi-Cal provided $165 million in HIV/AIDS care in 1992-93, the last year for which the state has such figures. Medi-Cal's importance to San Francisco and to California for HIV/AIDS care is not surprising given the impact of HIV/AIDS in these areas. San Francisco has had over 20,000 AIDS cases to date and 1 in every 25 residents (approximately 28,000) is assumed to be HIV-positive; California has had over 85,000 cases of AIDS to date and approximately 150,000 Californians are assumed to be living with HIV.

Medicaid is especially important for people with HIV/AIDS because of the nature of HIV/AIDS itself. Due to the general age and average lifespan of those living with HIV, few people with AIDS ever qualify for Medicare—approximately 4%. Moreover, with the average cost of HIV/AIDS care at $120,000-$140,000 per person, HIV/AIDS quickly impoverishes even those who are well off at the start of the disease, thus making self-financing of adequate care virtually impossible for everyone. Furthermore, the private health insurance industry, through a variety of means—legal and illegal—manages to reduce its share of coverage of annual HIV/AIDS health care costs every year.

I do not need to review in detail the federal proposals on Medicaid here: the $182 billion in cuts by the year 2002; the incentives for states to cut even more from their contributions to the program and the permission to do so; the block granting with its attendant loss of essential federal guidelines, standards and mandates; the incentives for states to implement the barest of bare-bones managed care plans and so on. California will loose over $19 billion, or 20% of its federal Medicaid monies by the year 2002 under the current Republican Congressional plans. Like other states, California will be free to set

new standards for eligibility, services rendered with Medicaid dollars and the like.

Let me say simply and clearly that every major element of these plans will devastate people with HIV and AIDS dependent now or in the future on Medi-Cal:

The funding cuts will result in many PWA's loosing some or all of their desperately-needed Medicaid health services with the obvious result being increased illness and premature death;

Mandatory managed care programs without adequate funding and guidelines will also result in decreased access to care and a lower level of care that is inappropriate for HIV/AIDS and other serious, chronic or life-threatening diseases;

The block granting of Medicaid will only compound these problems through the loss of federal guidelines that now protect vulnerable populations and mandate a broad benefits package. The inevitable end effect of block granting will be the loss of essential services for those who need them.

Let me mention one California-specific example of innovative and essential Medicaid-financed care likely to fall victim to these Congressional proposals. In California, we have used waivers to create innovative, humane and cost-effective programs, such as the AIDS Medi-Cal Waiver Program. This program provides nurse case-management and home and community-based care to Medi-Cal recipients with symptomatic HIV or AIDS. In 1994, the AIDS waiver program cost $5.3 million, yet saved over $90 million in nursing home and hospital costs, as calculated by the federal government, that would have otherwise been incurred for these recipients. Such optional programs will likely be the first to go as California attempts to manage Medi-Cal with a dramatic decrease in federal dollars.

It must be made clear as well that there is no safety net underneath the Medicaid system to compensate for these draconian measures. For example, in San Francisco, our Public Health Department, which provides essential HIV/AIDS services and many other essential services, currently receives 40% of its income from Medi-Cal. San Francisco's Public Health Department will not only not be able to make up for this loss in HIV/AIDS care resulting from these Medicaid cuts, but will be hard-pressed to maintain its level of current services. Moreover, Congress is cutting other funds essential to public health departments and urban health care infrastructures, such as funds for mental health and substance abuse.

Ryan White CARE dollars and the non-profit sector that exists in the AIDS community are no solutions. Ryan White monies in the Bay Area and throughout California have always been inadequate to meet the demands of the HIV epidemic; they are already stretched to a breaking point. Moreover, in many Ryan White programs and other city and state funded programs, Medicaid funding provides the foundation upon which other funds are used to build the HIV/AIDS care system. Thus, there is no safety net to catch those who will fall between the ever-widening, soon to be gaping Medicaid/Medi-Cal crack.

Reform in Medicaid may be desirable, even necessary. However, what we are looking at in these proposals moving through Congress now with such speed is not careful reform or effective cost-efficiency' it is a wholesale rampage against the medical safety net in this nation.

Thank you.

Ms. PELOSI. I thank the gentleman, and I yield to the gentlewoman from California for her closing remarks.

Ms. WOOLSEY. My final remark would have to do with health care reform in general. I believe until we are willing to first take the tax cuts off the table, second, do something about defense expenditures beyond what was asked by the Department of Defense, and, third, we must look at the entirety of health care reform, not just balance the budget on the backs of seniors and the most vulnerable and not just take one piece of health care. We must look at the entire health care program.

Ms. PELOSI. I thank the gentlewoman for her participation in our special order tonight.

I would just comment on her role as a member of the Committee on the Budget, thank her for her leadership role there in representing the values of our community. Many of us believe the budget of our country should be a statement of our Nation's values and those values should reflect the priority we place on investing in our children and in the health care of all our people and certainly protections for our senior citizens. We have grave concerns about how those at the low end of the economic scale fare in our country, but we have a large responsibility to middle-income and working people in our country to make sure that they are not paying the bill for everyone, and they would bear a terrible brunt from these Medicare and Medicaid cuts, unless they think that unless you are a senior, unless you are a poor person, this does not matter to you. They have to know that they are directly impacted by it, and their ability to raise and educate their own children will be very, very much affected by the Republican proposals, which I believe are not a statement of America's values, and I hope that the American people will speak out loudly and clearly to our Republican Members of Congress to make their voices heard to our colleagues so that they will reject this ill-advised and ill-conceived, in-secret proposal to cut Medicare and Medicaid to give a tax break to the wealthiest Americans.

A DEBATE ON MEDICARE AND MEDICAID

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I wish I was going to take an hour here on a different topic, but I have to respond, along with my colleague, to some of the things that have just been said.

One of the pluses of our great society is you can say anything on the floor of the House. You do not have to back it up with fact. You can say anything you want about anything. Whether or not you believe it is something people back home have to make up their own minds.

I would say the American people have spoken about what this party has done. I would remind my Democrat colleagues before they leave the floor that since Bill Clinton took office, 136 publicly elected officials have switched parties in America, 136. Zero have switched from the Republican Party to the Democrat Party, and 136 have switched from the Democrat Party to the Republican Party, including 5 Members of Congress and the only American Indian in Congress.

So I would say to my colleagues the American people are listening, and your elected officials around the country are coming in droves to support the ideals and the principles of this party.

What we are going to attempt to do is provide some honest information to rebut what you have just said here. Let me read a quote. This quote is from Senator DANIEL PATRICK MOYNIHAN, one of the most stalwart Democrats in the Senate. This quote was from September 17, 1995:

> At the present moment, Medicare costs double every 7 years. The Republicans want to slow that down to doubling every 10 years. The Administration is somewhere in between. No one is talking about abolishing Medicare and, indeed, no one is talking about cutting Medicare, especially the rate of growth.

I would say to my colleagues on the Democrat side this is Senator MOYNIHAN speaking. This is not some Republican. This is not NEWT GINGRICH. This is your leader on health care issues and on Medicare issues, Senator MOYNIHAN. If you want to quote someone, respond to the quote of Senator MOYNIHAN. Let us be factual, Mr. Speaker, in this debate. Let us stop the use of partisan politics in attempting to scare senior citizens.

Your party does not have a corner on caring for people any more than ours does. I think it is wrong to use mean-spirited attacks to try to scare seniors into thinking someone is trying to take benefits away from them. That is absolutely outrageous.

I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I appreciate this opportunity to address my fellow northern Californians in the spirit of bipartisanship. I thought I would come over to the floor and perhaps present a little different perspective than what our colleagues and C-SPAN viewers may have just heard in this last hour.

We have just heard and witnessed a display of incredible partisanship, the kind of scare tactics that have nothing to do about what is really right for this country and everything to do with a naked attempt by the Democratic minority to regain power and regain control of the Congress.

My colleagues failed to point out, as they were talking about these draconian cuts, as they were displaying postcards which I assume are paid for by some special interest group, they failed to point out the House and Senate budget conference report calls for an increase, and I will be happy to show you the numbers, by the way, if anyone would care to walk across the aisle and see them, the House and Senate conference budget report calls for an increase, I think we understand plain English, an increase in Medicare spending in California per beneficiary from $5,821 today to $8,839 in the year 2002.

Furthermore, the House budget conference report calls for an aggregate of $50,283 per Medicare beneficiary in California over the next 7 years. That does not sound like the kind of draconian cuts that I just heard you describing.

In fact, witnessing this whole display really makes me remember the words of Will Rogers, or maybe it was Woody Allen, who said, "No matter how cynical I get, I just can't seem to keep up."

I also want to point out, before the gentlewoman from Sonoma County leaves, I want to point out to her, of course, any other colleagues, I want to point out that the gentlewoman just sent to her constituents at taxpayer expense a so-called franked newsletter, a franked mailer. This is one of the most outrageous and cynical things that I think I have seen in my service in Congress, because it says in the flier, "I am outraged that Speaker of the House NEWT GINGRICH and the extremists in Congress are cutting programs." Then it goes on to say, "Sonoma County seniors will have to empty their wallets in order to make up for a $270 billion cut to Medicare."

Here are the House-Senate budget conference figures, an increase per beneficiary, $5,000 today, $8,000 in 7 years, an aggregate per beneficiary in California of $50,283.

Furthermore, these folks in the minority party go on and on and on, but I do not hear them embracing the President's proposal. Is the President not in fact the leader of the National Democratic Party? And the President, finally, after months of procrastination, sent up to Congress a revised budget proposal, and he proposes in this revised budget to address the inflation rate in the Medicare Program. He has recognized that Medicare, in recent years, has been growing at a nonsustainable rate. He, too, wants to control the inflation rate.

In fact, according to the nonpartisan Congressional Budget Office, the President's proposed savings in Medicare are $192 billion compared to the $270 billion in our plan, and that difference, according to the nonpartisan Congressional Budget Office, seven-tenths of 1 percent. So I do not understand, again, unless this is all about partisan politics and a naked power grab in an attempt by the Democratic minority to regain control of this Congress. I do not understand what this special order is about, because surely our colleagues are not recognizing the inherent fundamental problems in the Medicare Program.

First of all, they are not acknowledging that average beneficiaries receive far more than they pay into the system, and that is, we all have access to these numbers, but the average two-income couple receives $117,200 more than it contributes or pays into the Medicare trust fund. The average one-income couple receives $126,700 more in benefits than what they pay into the trust fund.

Even more alarmingly, here is the fundamental problem with Medicare: The pool of taxpayers funding Medicare is shrinking. When the program began in 1965, we have roughly 5½ taxpayers supporting each Medicare beneficiary. Today it is 3.3 taxpayers for each beneficiary; and by the year 2035, the ratio, with the baby-boomers reaching retirement age, is going to shrink to 2 taxpayers supporting each beneficiary.

You do not have to be an insurance underwriting expert. You do not even have to understand actuarial tables to realize there is a major problem in the Medicare trust fund that requires, in my view, an honest bipartisan approach to solving this problem.

We heard none of that again in this past hour, so I can only deduce from again, their presentation, if you want to call it that, our colleagues on the other side of the aisle are proposing other alternatives for fixing Medicare. So what would those alternatives be?

Well, the Medicare trustees, which includes three Clinton secretaries and the administrator of the Social Security Administration, have told us we do have two choices.

Ms. WOOLSEY. Mr. Speaker, point of personal privilege.

Mr. RIGGS. Mr. Speaker, regular order.

Mr. WELDON of Pennsylvania. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The time is controlled by the gentleman from Pennsylvania.

Ms. WOOLSEY. The gentleman from Pennsylvania [Mr. WELDON], point of personal privilege, the gentleman referred to me. May I respond?

Mr. WELDON of Pennsylvania. I will yield to the gentlewoman at the appropriate time.

Continue.

Mr. RIGGS. I thank the gentleman again for yielding.

The Medicare trustees put the Congress on notice back in April benefits would have to be reduced by 30 percent or taxes raised, payroll taxes raised, by 44 percent to restore Medicare solvency, unless changes are made to the program as we are proposing.

I would tell the gentleman from Pennsylvania I can only deduce by this presentation we just heard and saw from our colleagues that they are either in favor of reducing benefits by 30 percent and rationing health care benefits or raising payroll taxes by 44 percent, which would wipe out the economic recovery, such as it is in America today, and destroy literally tens of thousands of jobs in the process.

So again I hope we can get past this very cynical, naked display of partisanship that we just saw, this blatant abuse of, as far as I am concerned, of the taxpayers' precious dollar and really have an honest debate and if our colleagues on the other side of the aisle who now, of course, not having even looked our direction over the past hour, of course, not being willing to yield to us, want to have a legitimate debate, I say to them, I would be happy to meet with you here in this august Chamber and schedule a debate.

We will have an honest, open, bipartisan debate, not again these attempts to score strictly partisan political points, because I think that does a disservice to this country. I think we ought to elevate the debate above, again, this political rhetoric that we heard in the last hour.

I thank the gentleman from Pennsylvania for yielding.

Mr. WELDON of Pennsylvania. Let me just say, before I yield to my colleagues on the other side, I will in fact yield to them despite past hours of times where Members of your side would not yield to our Members, namely, I was over here one night with the gentleman from Pennsylvania [Mr. GREENWOOD], who tried repeatedly to get an honest dialog going, but you would not allow that to take place, even though there was no attempt to have bipartisan spirit, I will allow the gentlewoman to respond and have some comments while the gentleman from California [Mr. RIGGS] is still in the Chamber.

Ms. WOOLSEY. I really did come here to talk to you about fire prevention and be with you on that debate.

Since I was referred to, I do, out of a point of personal privilege, want to respond.

First of all, I would like to thank my colleague from north of me for showing my newsletter, which was actually sent out with the newspaper and it was not franked and it cost a third less at least of what it would have if it had been franked. But it is a newsletter I have gotten compliments about all around the district. People appreciated it. They do appreciate communication from the person that represents them in Congress.

I would like to ask the question about all this rhetoric. One, I do not think you listened to what went on in the hour before, when we were up here. Otherwise you would not be able to accuse us of not answering questions. We

were responding to what we heard earlier.

□ 2145

But I would like to ask you, will you take the tax breaks off the table so that we actually can have an honest debate about Medicare and Medicaid and balancing the budget? Would the gentleman not vote for that?

Mr. WELDON of Pennsylvania. Reclaiming my time, I yielded to the gentlewoman thinking she was going to respond to a point of personal privilege about something that our colleague from California said. Evidently that is not the case. I thought the gentlewoman was going to make a complaint about what he said being false or erroneous.

Mr. RIGGS. If the gentleman will yield, I do want to respond to the gentlewoman, because I was, again, just quoting from a flier that was actually sent to me by a disgruntled constituent who came across it somehow. Of course, we can acknowledge that we both represent parts of a single county, Sonoma County, in northern California.

My concern is that, again, I am happy to make this available to anybody who wants to look at it carefully, but my concern is there is no factual information in here. That is where I ask the question. You claim a $270 billion cut to Medicare. In effect, I would ask the gentleman from Pennsylvania to yield to anybody on that side who wants to acknowledge that the numbers that are actually in the budget resolution, which I will now say for the third time, an increase in California that is higher than the national average, an increase in spending per Medicare beneficiary from $5,821 today to $8,139 in the year 2002, an aggregate per beneficiary of $50,283 over that time period.

Would it not have been more balanced, would it not have been in the spirit of bipartisanship, to perhaps mention those numbers in this newsletter, which again I am assuming was produced and distributed at taxpayer expense? Would it not have been more honest to inform your constituents of the conclusions in the Medicare trustees' report, the Board of Trustees, Old Age, and Survivors Trust Fund, 1995 annual report? There is no reference to that anywhere in here.

As I pointed out earlier, there are three Clinton Cabinet Secretary members and the Administrator of the Social Security Administration serving on that board of trustees.

I would also like to point out that just 2 years ago, the President of the United States stood here in this Chamber, up at that podium, and said, and I have the actual quote, in his 1993 address to Congress, "Today, Medicaid and Medicare are going up at three times the rate of inflation. We propose," this was in the President's health care proposal, "We propose to let it go up at two times the rate of inflation. This is not a Medicare or Medicaid cut." But I believe that is the term you use in your newsletter.

That is the President of the United States. This is not a Medicare or Medicaid cut. So when you hear all this business about cuts, let me caution you that this is not what is going on. We are going to have two increases in Medicare and Medicaid and a reduction in the rate of growth.

That pretty much summarizes what we have been talking about in our plan.

I want to point out one other thing. There is no link to tax cuts. Apples and oranges. Medicare savings can only be used to save Medicare. The President, of course, has recently changed his rhetoric, claiming, again quoting the President, "Not one red cent of the money being paid by seniors will go to the trust fund. It will go to fund a tax cut that is too big." Notice he says too big, because the President also favors some form of middle-class tax relief.

The President is wrong. Under current law, premiums and payroll taxes paid into the Medicare Trust Fund can only be used for the Medicare Program. This is true of both the trust fund that pays hospital expenses, part A, and the trust fund that pays physicians and other expenses, part B. As the Medicare trustees themselves stated in their April 1995 report, "The assets of the Trust Fund may not be used for any other purpose."

Mr. WELDON of Pennsylvania. I thank the gentleman for those comments. Let me say what offends me most about the debate on this issue is what has become nothing more or less than gross partisan attacks. That is what offends me. Let me tell you why. I am a Republican who works with the other side on labor issues, proudly. I work with the other side on environmental issues, wetlands protection, endangered species. I am in front on all of those issues working with Members on the other side. I am working with the other side even in areas of defense cuts. I voted to eliminate the B-2 bomber, which I heard many of my colleagues tonight say only Republicans are concerned about strong defense. I can look at the votes and the delegation of our colleagues from California and that vote in particular.

But the point is, you have turned this into partisan name-calling, trying to scare seniors, giving us the impression tonight that only Democrats care about kids and seniors. Let me tell you, I am the youngest of nine kids. My mother is 85. We were born and raised in a poor town. I was the first to go to college. She has 55 grandkids and 38 great-grandkids, all living today. My mother has no pension. She relies on Social Security and Medicare and Medicaid.

I resent having anyone on the other side saying I do not care about my mother. Who are you to say that we as Republicans are insensitive to the concerns of seniors? I taught school in a public school for 7 years in west Philadelphia and adjacent. I ran a chapter 1 program with economically deprived kids. I resent the fact that you stand up here in a 1-hour special order and try to portray Republicans as not being concerned about human beings, and that is exactly what was said tonight. I heard my other friend and colleague from California say, and you know, they do not want to cut defense.

Ask the 1 million people in this country, the United Auto Workers, ask the Electrical Workers, who have lost their jobs in plants in southern California, in Boeing and GE. Ask them if we have cut defense at all. One million men and women have been downsized because of 9 years of defense cuts, not cuts in the rate of increase, but actual real cuts in terms of defense spending.

So all I am saying is why can we not move beyond the partisanship and discuss this as intelligent human beings? The people back home do not want to see your side get up and call us names and us get up and call you names. They want us to solve problems.

Ms. WOOLSEY. First of all, I would like to be clear that we did not say that you did not care. We talked about what was being proposed. Second, I would like to say, if you want that debate, why did we have 1 day of hearings in the Committee on Ways and Means?

Mr. WELDON of Pennsylvania. We have had debate on this issue for the 9 years I have been here. Talking about 1 day of debate in the Committee on Ways and Means is not about what is going on in this country on this issue, or I have been living in a vacuum. I have that debate at town meetings every day.

Ms. PELOSI. If the gentleman will yield, the gentleman knows the esteem with which Members on this side of the aisle hold him for the values and courage he has demonstrated on his own side of the aisle on these issues. But it is amazing to hear the gentleman be so surprised that people will comment on a plan, and, yes, we have talked about these issues in general, but in terms of subjecting the particular proposal to the public scrutiny, that has not been done.

I appreciate what the gentleman said about chapter 1 and his participation as a teacher teaching disadvantaged children. That is why I know the gentleman probably shares a concern that many of us have that nearly $1 billion was cut out of the Labor-HHS budget for that chapter 1 program.

When we talk about the defense budget, the point is we are all for a strong defense, and, God knows, nobody came here and said only the Republicans care about a strong defense.

We all care about a strong defense. The point is that when we subjected the budget to cuts, both the rescission bill and in preparing for the budget for next year, defense was off the table. In fact, there was $7 billion more in the bill than even the administration had asked for, and billions more than last year's budget.

So it may be the appropriate number. It may be the exact appropriate number. All we are saying is, as we subject all of our spending to the harsh scrutiny, why is defense not on the stable?

Mr. WELDON of Pennsylvania. Mr. Speaker, reclaiming my time, as a member of the Committee on National Security, it was President Clinton's Defense Secretary, Les Aspin, who came up with the bottoms up review who told us what we needed to protect this country. To meet Secretary Aspin's bottoms up review, the General Accounting Office said President Clinton's plan was $150 billion short. The Congressional Budget Office said his plan was $60 billion short. Democrats like the gentleman from Missouri, IKE SKELTON, on our committee, came out with their own budget saying he was $44 billion short. The President stood in this very well in the State of the Union speech this year, and what did he say? We need to put $25 billion more back into defense.

That was not me standing in the well there, it was the President of the country, who is the leader of your party.

Ms. PELOSI. If the gentleman will yield further, the gentleman is talking about increases in defense spending, an overall number. We are talking about what are those dollars spent on and how can there be savings of waste, fraud and abuse and inefficiencies in the defense budget that is subjected to the same kind of scrutiny that the rest of the budget is? It is about that.

Mr. WELDON of Pennsylvania. Reclaiming my time, I will say that I am just as much for cutting out waste, fraud and abuse as anyone, and will take a back seat to no one in attempting to reduce defense spending, whether it is through cutting the Office of the Secretary of Defense, which we are doing by 25 percent this year. While defense spending has gone down, the number of people in the Secretary's Office has gone up dramatically, or, whether it is by putting in procurement reforms.

But let me say if we are talking about reforming, I never hear the other side, and maybe even some on my side, talk about the waste, fraud and abuse in human service delivery. I looked at a study that was done by the Baltimore Sun last December, and for any of our colleagues listening to this debate tonight, I will be happy to provide a copy of that study.

The Baltimore Sun did an exposé on SSI [supplemental security income]. They found that it is one of the grossest programs in terms of waste, fraud and abuse this country has. Now, whether he talked about some of the sufferings of poor people, which I can very well relate to, believe me, let me say this: Why do we not hear anyone talking about the example that was given in the Baltimore Sun of a family in Louisiana, a common law couple living together, where the mother has now been certified to get SSI because she is too stressed out to work, the father was certified to get SSI because he is overweight and can't work. They have five teenage boys, and because, after a number of tries, the mother was able to get all five kids certified as operating below their functional level, now has all of them fully qualified for SSI, that that family is receiving $47,500 a year, tax free.

Let me say to my colleagues back in their offices, and to the constituents all across the country, let me repeat that number again, just in case there are senior citizens back home that did not hear it correctly: $47,500 a year for one family in Louisiana documented by the Baltimore Sun as receiving SSI benefits.

When the reporter asked the mother, "What do you say about receiving all this money?" She said, "I am entitled to it."

You know what? She is. Do you know in fact that under the current guidelines established by the minority party when they were in control, she is not violating the law. She is entitled to $47,500 a year.

Then the reporter went on to ask her, "Ma'am, how much of this money do you use to help your kids improve themselves?" She said, "I do not use any of that for that. They all have teenage girlfriends, they are teenagers, I give them $25 a month total to spend on their teenage girlfriends."

To our senior citizens listening across America to this debate, I hope they ask the question to Members of Congress, what are you doing to cut the waste, fraud and abuse out of the SSI system, which is completely out of control?

Let me also further state an example given to me by my good friend and your colleague from California [ELTON GALLEGLY] when he brought in to me a four-page brochure, printed in Spanish, paid for by the taxpayers of this country. That brochure being distributed in Mexico today, and says anyone who is pregnant can go to a hospital in ELTON's area and receive prenatal care, postnatal care, deliver the baby, the baby becomes an American citizen, and, furthermore, in Spanish it says the mother cannot be turned in to the Immigration Service.

I wonder if our taxpayers around the country know that their money is going to illegal immigrants to come in and have their children delivered. Is that waste, fraud, and abuse, or only in the case of the Pentagon or others?

What I am saying is this debate should be based on substance, it should be bipartisan, and it should not be this rhetorical name-calling back and forth, because there is enough waste here that all of us should be attacking it. If there is waste in defense, we should be doing it bipartisan. If there is waste in human services, you should be joining with us. If you are not joining with us, you are only ignoring one part of the problem. That is what I object to.

Even though we were not here to get time, I yield to my colleague.

Mr. FARR. If the gentleman would have asked for it, we would have yielded.

Mr. WELDON of Pennsylvania. That would have been a change from past practices of these 1-hour speeches.

Mr . FARR. We are all Californians. We yield a lot.

First of all, this issue about getting to the merits of the debate, and I appreciate that, we want to get to that, and I think it is appropriate. Tonight we generate a debate on the floor that we have not been able to have in committee. I would be willing to come down here and do that and hope we schedule that. I think the real big issue here, and I think you can understand this, if you go out to our constituency and on the one hand are telling them look, we are going to balance the budget; everything is targeted in this, that is why these cuts are in here. Then you turned around and say, by the way, we are also going to give a big tax break.

That is why the phoniness comes. People do not think you can do both. I do not think you can do both. If you really legitimately believe that this whole issue is just related to sort of waste, fraud and abuse, then let us take the tax cut off the table. Just have the Republicans abandon that.

Mr. WELDON of Pennsylvania. Reclaiming my time, what I would say to the gentleman is the Republican Conference came up with a proposal for America, across the board, that we put forth to the American people in last November's elections, and the American people responded overwhelmingly.

□ 2200

As I mentioned in the beginning of my talk, in case my colleagues have not been aware of this, since the President took office, 136 public elected officials have switched parties. None have switched to your party. One hundred thirty-six have switched to our party from California, from Washington, from Maine, from the south, including five Members of Congress.

But let me say this to my colleagues, where I find fault with your holding up this issue of tax cuts is, where is your proposal to save Medicare? This is the report issued by the three cabinet members and signed not by Republicans, but by Robert Rubin, Robert Reich and Donna Shalala. They said,

and I quote, the fund is projected to be exhausted in 2001.

So my question for my colleagues is, where is your plan?

Mr. FARR. We have a plan, the President's plan, and it is a good plan.

Mr. WELDON of Pennsylvania. So the gentleman is saying it is the President's plan.

Mr. RIGGS, correct me, would you read what the President's plan calls for?

Mr. RIGGS. Mr. Speaker, absolutely, I would be happy to, if the gentleman would yield. And, of course, both plans, our proposal to fix and strengthen Medicare and the President's newest budget, have been now reviewed and scored, as we say back here in Washington, by the nonpartisan Congressional Budget Office, and I repeat, President Clinton's savings from Medicare amount to $192 billion over seven years compared to the $270 billion Republicans will save.

The truth is, Bill Clinton's newest budget would allow Medicare to grow by 7.1 percent, while the Republican budget would allow Medicare to grow by 6.4 percent. When you cut through all the rhetoric and scare tactics, the difference in growth rates in Medicare spending in the Republican budget and in the Clinton plan is only 7 tenths of 1 percent.

Mr. WELDON of Pennsylvania. Mr. Speaker, reclaiming my time, I ask each of my three colleagues from California, do they now publicly state on the record that they support President Clinton's plan, which, in fact, cuts Medicare by what amount or reduces the level of growth by what amount?

Mr. RIGGS. Mr. Speaker, the President's savings, because remember, both his plan and our plan continues to increase Medicare spending, but at a slower rate. His savings is $192 billion over seven years.

Mr. WELDON of Pennsylvania. Mr. Speaker, I yield to the gentlewoman from California to ask if she supports that initiative?

Ms. PELOSI. Mr. Speaker, I was seeking recognition for a couple of different reasons, but I would be pleased to address that point.

Mr. WELDON of Pennsylvania. Does the gentlewoman support that?

Ms. PELOSI. First of all, any savings that come, any cuts in Medicare-Medicaid, if they are deemed to be there, should be plowed back into Medicare.

Mr. WELDON of Pennsylvania. Does the gentlewoman support that level of change?

Ms. PELOSI. No, I do not support the President's level of cuts.

Mr. WELDON of Pennsylvania. So the gentlewoman does not support the President's plan.

Ms. PELOSI. Not the level of cuts. But we cannot just—the point is, I support the President's approach, which is——

Mr. WELDON of Pennsylvania. But the gentlewoman does not support the President's change?

Ms. PELOSI. The savings that come from his proposal are to be plowed back into Medicare.

Mr. WELDON of Pennsylvania. But the gentlewoman does not support that plan?

Ms. PELOSI. I do not support his level of cuts.

Mr. WELDON of Pennsylvania. Which plan does the gentlewoman support?

Ms. PELOSI. I support a plan that approaches——

Mr. WELDON of Pennsylvania. Which plan is that?

Ms. PELOSI. A plan that approaches——

Mr. WELDON of Pennsylvania. No, which plan is it? Identify it by name.

Ms. PELOSI. It does not have a name. It is a plan that says——

Mr. WELDON of Pennsylvania. Is there a plan?

Ms. PELOSI. The plan is let us have universal access for all Americans to health care.

Mr. WELDON of Pennsylvania. Well, whose plan is it?

Ms. PELOSI. The gentleman is very clever. He makes a great long speech——

Mr. WELDON of Pennsylvania. Who has the plan?

Ms. PELOSI. About how we should be civil to each other in a debate. I do not have to have a plan.

Mr. WELDON of Pennsylvania. OK, so the gentlewoman does not have to have a plan.

Reclaiming my time. Moving on to the gentlewoman from California

Ms. PELOSI. Sir, sir, I have a plan. It is called Medicare.

Mr. WELDON of Pennsylvania. The gentlewoman from California, does she have a plan? Excuse me.

Ms. PELOSI. It is called Medicare.

Mr. WELDON of Pennsylvania. Regular order, Mr. Speaker.

The SPEAKER pro tempore (Mr. FOX). The gentleman from California controls the time.

Mr. WELDON of Pennsylvania. Does the gentlewoman from California support the President's plan?

Ms. WOOLSEY. I want to say I am going to repeat what——

Mr. WELDON of Pennsylvania. Does the gentlewoman support the President's plan?

Ms. WOOLSEY. No, I do not support the President's plan.

Mr. WELDON of Pennsylvania. Mr. Speaker, now reclaiming my time, does the gentleman from California [Mr. FARR] does he support the President's plan?

Mr. FARR. I want to see us have a debate on the President's plan in your committee.

Mr. WELDON of Pennsylvania. Does the gentleman support the President's plan?

Mr. FARR. We cannot even get a debate on it.

Mr. WELDON of Pennsylvania. Does the gentleman support the President's plan?

Mr. FARR. I cannot support it. You will not bring it to the floor.

Mr. WELDON of Pennsylvania. Mr. Speaker, we now have the three Members of Congress, who spent an hour on the floor tearing apart the Republican plan, saying it was outrageous, it was insensitive, was not compassionate, and now we have, after each of them have been read the President's plan and said there is a plan out there, it is the President's plan, now have said individually they do not support the President's plan.

That is exactly the problem. And let me point out what this debate has come out to.

Ms. WOOLSEY. Will the gentleman yield?

Ms. PELOSI. Would the gentleman yield?

Mr. RIGGS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Mr. WELDON has the floor.

Mr. WELDON of Pennsylvania. Mr. Speaker, I will quote Democrat Chicago Mayor Bill Daley in an article in the New York Times, and I quote. "The only message we have got is the same one we had in November. The Republicans are going to cut Social Security and Medicare. People look at it and say forget it, we don't buy that. The sky isn't falling".

This is not NEWT GINGRICH, this is the Democratic Mayor Bill Daley saying here we go again. We are going to scare the seniors. Like the attempt was made when Ronald Reagan came in to convince seniors that now Republicans were going to end Social Security. It was a scare tactic for nothing less than partisan politics.

And I will again quote Mr. MOYNIHAN, the most respected Member of the Senate on issues involving Medicare and health care. This is from September of this year on David Brinkley.

> At the present moment, Medicare costs double every seven years. The Republicans want to slow that down to doubling every ten years. The administration is somewhere in between. No one is talking about abolishing Medicare, and, indeed, no one is talking about cutting Medicare, especially the rate of growth.

Now, Mr. Speaker, if we could get beyond the rhetoric and have an honest debate and Democrats present an honest alternative, if other Members do not like the President's, they should put their plan up. We cannot say we are not going to cut anything, that is not realistic.

Ms. PELOSI. Mr. Speaker, would the gentleman yield?

Mr. WELDON of Pennsylvania. Be happy to yield.

Ms. PELOSI. Mr. Speaker, I thank the gentleman, and I do want Mr. WELDON to get around to his special order, because he has been such a tremendous leader in the House on fire safety, but I want to respond to him directly about his question about the plan.

The plan I support is called Medicare. I do think that when we talk about the trustees talking about needing some shoring up, it always has. A half dozen times we have had to shore up the Medicare trust fund, and we will do it again. And we can address the waste, fraud, and abuse issue as well. But what we really need is access to universal health care in America to reduce the rising cost of health care in our country which will then have its impact on Medicare costs and Medicaid costs.

So the plan that I support is one that has been successful and it is called Medicare.

I just want to make one other point. The gentleman talked about some anecdotal evidence of abuses at SSI. I am with him on that. Put it all on the table. Subject it all to the harshest scrutiny. Our complaint is not that social services are not subject to scrutiny. We do not fight for them so that people can waste money, we fight for them so people's needs are met. Our complaint is everything is not on the table.

Mr. WELDON of Pennsylvania. Mr. Speaker, reclaiming my time, I appreciate the gentlewoman's comments, and I respect her, as she knows, as one of the tireless workers on behalf of human needs in this Congress and I respect that. But let me say what offends me is that I do not hear the same level of special orders, of dialog over here, talking about the abuse of the human service delivery programs in this country as I hear with the rhetoric going on with Medicare.

This issue of SSI is not new. It is not some anecdotal comment. In fact, the money that is being used to take care of families who can now qualify their kids as operating below their grade level is known as crazy money. And all over the country parents are going to psychiatrists to get their kids qualified so they can collect SSI forever. That is outrageous, because it takes money away from kids who have legitimate needs, and it takes money away from legitimate concerns of seniors who have the need of SSI.

Mr. Speaker, what I am saying is, we have to admit in this body, both sides, that there is gross waste and abuse all over. We need to stop scaring people. The worst part about what I heard tonight is scaring seniors. No one wants to hurt senior citizens. I am not going to vote here to hurt my 85-year-old mother or her friends in my hometown or the town where I was the mayor, which is the second poorest town in my county. I will not vote to do that.

We have to stop the rhetoric of scaring seniors into thinking the bad Republicans are going to rob them and take their benefits, and that is what is being said here, and that is what offends me.

I yield to my colleague.

Mr. RIGGS. Mr. Speaker, I appreciate the gentleman yielding, because I want to add to the other quotes he has cited here tonight, which I think are very important, helpful, and instructive, for the—well, I will not call it a debate because I think we are back at a point where we are having a bit of a dialog.

I want to add the comment from our respected and esteemed colleague from northern Virginia, Congressman JIM MORAN, who said in the Hill newsletter on September 27, "The Republican Medicare preservation act is not nearly as draconian as it was assumed by us Democrats." Then he pauses and goes on to say, "I am not sure how many of us would be willing to admit that."

We would like to have a constructive debate on our proposal, and certainly on any substitute proposals. And just to set the RECORD here straight tonight, I have heard the Speaker of the House, NEWT GINGRICH, say more than once that he will use his power and prerogative as Speaker to make in order on the House floor, when we actually take up Medicare legislation next week, any alternative proposal that your side of the aisle wants to put forward; or, for that matter, he will make in order, under the rules of the House, the President's proposal.

So we are going to have an open and honest debate next week. We are going to have debate on Medicare as a freestanding bill.

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. Let me finish my point.

We will be able to have recorded votes on any competing proposals to our plan. So it is not really true to say that—certainly it is not true to say that this subject has not been thoroughly debated on Capitol Hill. We have had 30 hearings in the House since this session of Congress began back in January: six over in the Senate, the Committee on Commerce alone has had a dozen hearings and heard from almost 100 witnesses and taken hours and hours of testimony. So I think we are well prepared going into this debate.

Mr. FARR. Mr. Speaker, would the gentleman yield?

Mr. RIGGS. Well, I have to yield back to the gentleman so he can yield to others.

But I think we are well prepared going into this debate next week. And again I join my colleague in saying, Where are my colleagues' plan? Let us get it out there on the table so we can look at it and we can seriously consider it in the context of preserving and strengthening Medicare.

Mr. WELDON of Pennsylvania. I have to limit our time now because I do have to do at least 15 minutes on what I came here for. So if my colleagues will stick around, I will yield to each of them to make a closing comment, in fairness.

I will start with my good friend, Ms. PELOSI.

Ms. PELOSI. Mr. WELDON, I want to make the point that when we talk about the fact that there have been all these hearings on the Republican Medicare proposals, they have not been on the proposal that is on the table right now. As we all know, it is congressional procedure to air the legislation that we are going to vote on.

Have we talked in concept about Medicare and about changes in Medicare that might be advisable? Certainly. But do we know the particulars of the substitute plan that was placed on the table Monday night by Mr. ARCHER? Most of us do not. That is the plan the American people should have a period of public comment on. Maybe they will like it. Why be afraid of it?

Mr. WELDON of Pennsylvania. Mr. Speaker, reclaiming my time, the gentlewoman makes a point. This plan is available for anyone who has access to Internet, or, if they call my office, I will send them a copy.

I agree that Members should have ample opportunity to vote. I can recall being here my first session of Congress at 2:30 in the morning when Jim Wright was in the Chair and they brought out a 1,200-page document, put it on the desk, and said we have to vote on it tonight. We didn't have days, hours or minutes. It was the continuing resolution that we were being forced to vote on that none of us had seen.

This did not just deal with Medicare. It was the blueprint for the entire country's fiscal process for the next fiscal year. We did not have minutes to consider it.

Unfortunately, part of the practice of this institution is that we get bills like that. In this case we have it. I have had town meetings, I have interacted with my people. I know the parameters of this. There is a chance to amend it. We will all have an opportunity on the floor to present a viable alternative, and at that point in time we want to hear what your alternative does.

We want to hear it. I have heard tonight that none of my colleagues on that side support the President's proposed plan because of the level of controls on increases, so I will be interested to know what their plan is.

I now yield to my colleague from California, Mr. FARR.

Mr. FARR. I appreciate that, Mr. WELDON. The gentleman mentioned he was mayor of a city, and I think the point to debate here is that America deserves the opportunity to know what the law is going to be. Your city could not adopt a city ordinance the way we are adopting the Medicare plan in America, because your city would require that the plan be published in the newspaper; that there be a public hearing scheduled on the very text of the ordinance being considered.

That is what is the problem with this system. We have not been able to see

that in this massive bill, and I am really surprised, and appreciate your concern about the procedure, and I would hope in the leadership the gentleman would bring about a law like we have in California that says legislators cannot hear a bill unless it has been in print for 30 days. Cannot even hear it.

Mr. WELDON of Pennsylvania. Mr. Speaker, reclaiming my time. How many terms has the gentleman been here, Mr. FARR?

Mr. FARR. For one term.

Mr. WELDON of Pennsylvania. One term. The gentleman has so much eloquence, I thought he had been here for more than one term.

Let me just say that, unfortunately, in the 9 years I have been here, in this session, I have had more chance to look at legislation than any period of time in my history. We have been given bills that do not even go through our committees in the past that we had to vote on on the floor.

I agree, granted, we should have more time, but it is not like we have not been discussing this issue.

Mr. FARR. We have discussed the issue, but we have to look at the law. We are lawmakers. Anybody can go out and discuss the issue. That is an academic exercise.

Mr. WELDON of Pennsylvania. We would like to see your plan. When will we get that?

Mr. FARR. My point is, we have not even had a hearing on that plan.

Mr. WELDON of Pennsylvania. Well, when will we get your plan? When will we get yours to look at?

Mr. FARR. Well, will there be a hearing on it?

Mr. WELDON of Pennsylvania. I will have a hearing. When will my colleagues give us a plan?

Mr. FARR. We will give the gentleman a plan as soon as he schedules that hearing.

Mr. WELDON of Pennsylvania. No. Members are complaining about our not providing a chance to let them look at this, but when are you going to give us your plan to look at—to tear apart like they are tearing ours apart?

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. Give us a date certain. When will my colleagues give us your plan?

Ms. WOOLSEY. We have a plan. Our plan is 30 years old, Mr. WELDON. It is called Medicare.

Mr. WELDON of Pennsylvania. So my colleagues are not going to reform it at all. They do not buy this?

□ 2215

Does the gentlewoman buy this or not?

Ms. WOOLSEY. It is not acceptable to bring the issue of something so important to every senior and every family in this country to the House floor for debate. We have not had hearings.

I was a member of a city council. On that city council we talked about sidewalk repairs to a much greater extent.

Mr. WELDON of Pennsylvania. Reclaiming my time, when do we get your plan to save Medicare?

Ms. WOOLSEY. Our plan is Medicare.

Mr. WELDON of Pennsylvania. When will we get your plan?

Ms. WOOLSEY. When we can have a bipartisan debate on what needs to happen in order to fix what is wrong.

Mr. WELDON of Pennsylvania. Mr. Speaker, I think I have had enough of this issue. I think the facts are what they are. Anyone watching this who cannot see what this is all about is just not paying attention.

This is not about a bipartisan debate. It is about one party coming up with a plan, maybe it is not perfect, but putting it out there for people to look at, and the other party walking away and saying, we do not even support our President because the plan he has we cannot support. Even though we said initially the President had a plan, we do not want to embrace that because you do not want to make a tough decision. You want to have your cake and you want to eat it, too. You cannot do it anymore. That game is over.

We are going to move on.

I would just say in closing, I appreciate the emotion displayed by myself and other Members. I respect everyone who was here tonight. I would like to continue this. I will come back again. If we get time, we can have a good, honest split-the-time debate. I will come back.

The gentleman from California, Mr. RIGGS, will you come back as well?

Mr. RIGGS Absolutely.

Mr. WELDON of Pennsylvania. So if we get the time tomorrow night, I will be here.

FIRE PREVENTION WEEK

Let me move on to a topic that I originally wanted to address that is very near and dear to me because it is the reason I got involved in public service in the first place. And that is the emergency responders of this country.

Before being mayor of my hometown I was a local fire chief in a volunteer company and director of fire training for a county of 560,000 people. I literally grew up working with those people who respond to our disasters.

The reason why I wanted to take out this special order tonight is that this week is Fire Prevention Week. It is a week where we want to raise the awareness of one of the Nation's most serious problems. That problem is the loss of life caused by fire and disaster throughout this country.

We tend to focus in America on incidents involving war and loss of life from plagues and other illnesses, and certainly that is critical and an important priority of our society. But, Mr. Speaker, we fail to look at the fact that our Nation has the worst record of any industrialized nation in the world when it comes to fires and natural and man-made disasters.

On average, 6,000 people a year die from fires primarily in one- and two-family dwellings. In fact, according to the Safe Kids Campaign, which is a national group focusing on protective measures for our children, almost 1,000 children each year are killed from fires, primarily residential fires. We in this country do not take the issue serious unless it is the result of a major disaster, like we saw with the World Trade Center or the Oklahoma City bombing or the wildlands fires out West or a flood like we had in the Midwest or down South. We need to understand the importance of raising the awareness of our children and our families every day throughout the year.

When I first came to Congress 9 years ago, I saw a void in terms of awareness of the people who were out there protecting our communities. And there are a million and a half of them Eighty percent of them are volunteer; 20 percent of them are paid.

I saw a void in understanding on the point of our public officials that these people are really America's No. 1 domestic defenders. They are the people who respond to every disaster we have, not just the fires in our homes, not just the hazmat incidents, the bombings like we saw in New York, the wildlands fires, the hurricanes such as in Florida, the tornadoes we saw in the Midwest, the floods and the earthquakes. In every one of those instances, year after year, these emergency responders come out and give of themselves to protect our people and our communities.

Mr. Speaker, this is one time during the year when we can recognize the work of these selfless heroes. In fact, at the end of this week, we will have the annual fallen firefighters memorial at Emmitsburg, the site of the National Fire Academy for this country. At that site we will recognize those individuals who gave their life during the last year in protecting the American people.

Mr. Speaker, what is so outrageous is that each year we lose approximately 100 men and women all across America, some paid, many of them volunteers. These individuals selflessly give of themselves to protect their communities and each year approximately 100 of them make the supreme sacrifice.

On this occasion, this weekend, as we do every year, we will pay tribute to their families and their loved ones. I think the best way we can pay tribute to these unsung heroes is to acknowledge the real problem that America has, the need to take care of our children, to educate them on what to do if they are in an emergency situation, the need to deal with our seniors, many of whom are confined and live alone and do not have adequate alarm systems or do not have the adequate ability to protect themselves if an incident

occurs in their house and the ability to teach our families how they need to be able to be prepared to deal with emergencies, and that is what this week is about.

Yesterday, the International Association of Firefighters, the organization of paid firefighters nationally, brought to Washington a group of young children and individuals who had suffered burns in real instances around the country. What a tragedy it was and what a tragedy it is to see someone who suffers burns from an incident in their home or in their place of work.

These kids came down here to remind us that we have an obligation every day of the year to try to heighten the awareness of young kids as to how they can prevent burns from occurring in the home, in the workplace, in the school or other places where our families assemble.

I commend the firefighters associations for bringing those kids here and for Senator DOLE for speaking to them to remind them that we do care and that we are going to continue to work on funding for burn foundations across the country and for educational programs like those provided by the National Fire Protection Association and the International Association of Firefighters to protect our kids, especially those that are done in cooperation with the National Safe Kids Campaign.

Today over across the street, we had, along with the Congressional Fire Services Institute, a 2-hour luncheon session for Members of Congress and their staffs where we taught them how to use portable fire extinguishers. Some say, why is that necessary? My first term in Congress, we had a fire in the Speaker's suite that burned the entire suite and could have jeopardized life in that particular building, but because of aggressive action by some staffers and because of the quick response of the D.C. Fire Department, the fire was extinguished.

We want every staffer in our buildings to know that they should understand how to respond to an emergency, how to use a portable extinguisher. And along that line, we have also done CPR classes where Members of Congress and staffers can learn the basic techniques of CPR and hopefully spread that word back in their districts.

Tomorrow we will have a program at the Capitol Hill Day Care Center where we will talk to young children who are there every day about fire protection, life safety, and about some of the basic lessons that they should be learning, like how to dial 911 when an emergency call is needed or how to drop and roll if in fact the child's clothing should somehow catch on fire or one of the other things that can happen to a kid in the home that they need to understand they can take action on themselves.

On Friday, we will have a session with Members of Congress on national legislation looking at the whole issue of disasters. A year ago, over a year ago, I petitioned Speaker Tom Foley to convene a bipartisan task force of Members of this body to focus on the issue of natural and man-made disasters, partly because I felt we were not totally prepared, partly because of the frustration that I hear every day from the emergency responders across the country, and partly because every time we have a disaster this Congress is asked to come in and allocate billions and billions of dollars that we do not have to pay people primarily in property areas where they could have bought insurance, either flood insurance, earthquake insurance or fire insurance.

This legislation that we are going to advocate and highlight this Friday in fact focuses on a national system to not just take the burden off the taxpayers but to establish a reinsurance fund through the private insurance companies to pay for disasters, but also to provide an incentive for local towns and counties to adequately preplan their emergencies, to make sure those building codes are up to date and enforced, to make sure there are adequate emergency plans in place in each community and to make sure the emergency responders are properly trained and equipped.

So, Mr. Speaker, all week long we will have a series of activities in Washington focusing on the ultimate objective of reducing the loss of life in this country and the damage to property from the perils of fire and other disasters. But I think it is more important than that in terms of the issue not just of educating the citizens of this country but in recognizing those heroes that we take for granted too much in this country.

I have had the pleasure, over the last 9 years, of traveling 49 of the 50 States and to work and speak to individual and State fire service groups in each one of those States. Those brave individuals in each of those 49 States are the same. They are selfless people, unselfish people who care about their neighborhoods, care about their communities. They are Republicans and Democrats, and they are there doing a service in many cases with no compensation as volunteers.

This is a time and this is a week for us to acknowledge them, to pay tribute to their work, to thank them for being the real heroes of this country, that we can look up to and pay our respects to, to pat them on the back for a job well done, to stop by the local emergency response station and let them know we appreciate their work, to take our kids over and help sensitize them to the kinds of things they should understand in case an emergency occurs in their home. This is a week where we can pay tribute to these people.

As I traveled around the country and interacted with these folks, one of the things I heard in my early time in Congress was they just were not getting the response from the Congress that they felt was necessary. We took that notion and 8 years ago, 7 years ago formed the Congressional Fire and Emergency Services Caucus. That caucus, Mr. Speaker, quickly became the largest caucus in the Congress and remains the largest caucus in the Congress with over 400 Members, Republicans and Democrats who laid down their partisan differences and who come together to say, we together can support these brave men and women and give them the kinds of resources they need.

Following the formation of that caucus, which has had successes in a number of legislative areas, ranging from increasing funds for training to passing legislation dealing with safe cigarettes to dealing with issues involving hazardous materials, putting an emphasis on FEMA, on urban search and rescue and all of the other issues that confront us every day, we also formed a congressional institute, and that institute works as the educational arm of the Congress in sensitizing us to the real priorities that emergency responders have every day.

In talking to these emergency responders nationwide, the one message that I keep repeating to them that is so important is that they have to let public officials at all levels know who they really are. They are not just the people who respond to our disasters. They are not just the firefighters. In every one of the towns where we have emergency response organizations, and Mr. Speaker, there are 32,000 organized emergency response departments in this country, in every one of them, the local fire and EMS department is the location where they hold the town meetings. It is the hall where the young couple holds its wedding reception. It is the organization that gets called when there is a child that is lost and they have got to organize a search party. It is the group of people that you call when the cellar is flooded and you have to pump it out. It is the group of people who organize the July 4th parades and Memorial Day celebrations, Christmases for kids that have special needs and all of other things that make our communities in America so vibrant and strong.

And so during this week, as we recognize and celebrate the need to educate the people of this country on how to protect themselves from the ravages of fire and other disasters, let us especially pay tribute to those brave men and women, 1.5 million of them in 32,000 departments across America who today are responding to every type of disaster that the mind can imagine. Let us thank them for their efforts.

Mr. Speaker, as further effort this week to encourage Members to get involved locally in these issues, we will

be distributing this week some of the most important devices that Members can take and sell back home in terms of educating their own citizens on how to prevent loss of life and property damage.

□ 2230

The First Alert Company is providing smoke detectors for every Member of the House and the Senate which they can use as an example of what should be done in every home in this country, and that is placing a low-cost, in some cases, $5 or $6 smoke detector in a home that can alert families there is, in fact, a problem.

I would encourage all of our colleagues, Mr. Speaker, to take these detectors, which they are getting for free and to use them as examples of simple things that can be done by families, and if families, in fact, cannot afford to buy smoke detectors, let us know where they are so that we can work with the groups that are providing them nationally. In fact, both the International Association of Fire Chiefs and the First Alert Company have gone time and again to provide free smoke detectors and free batteries to many of our urban areas, especially areas where we have high incidences of poverty, coupled with incidences of arson and fire so we can protect those people who do not have the financial resources to buy this equipment.

These are simple tools, but perhaps one of the most important tools in protecting lives and especially children in terms of incendiary fires and situations that would occur that would threaten the lives of our youngsters throughout this country tonight.

In closing, let me say I took this special order out in hopes I could spend an hour talking about many of the programs in place today and many of the actions that are being done both in this Congress and throughout America, and let me say this issue is about as strong a bipartisan effort as I can think of. The Democrats who are involved in this are leading the way as equals with Republicans on these issues, and they have been supportive along the track all the way down the line even when some of our Republican administrations were not as sensitive to these concerns as they should have been.

I just wish we could take that spirit of bipartisanship that we use in dealing with fire and life safety issues instead of scaring people and use that same spirit to address some of these other concerns that we have in this Nation which cause us to polarize, split apart and just demean each other, call out partisan name-calling back and forth. If we could accomplish that, then perhaps we could really show the American people that we can solve the problems of this country and we can do it in a way that is bipartisan and that can give each party credit, because the ultimate goal is not to achieve a winning edge over the other party. The ultimate goal is to meet the needs of the American people.

GENERAL LEAVE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order offered by the gentleman from Pennsylvania [Mr. WELDON] on today.

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

There was no objection.

WARNING FROM THE MEDICARE TRUSTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I just wanted to conclude the discussion that we have out here on the floor tonight. I thought it was a frank give-and-take, if you will pardon the pun, and I want to stress that I think it is important to have more discussion along these lines.

I join with my colleagues in assuring the concerns and chagrin of my colleague, the gentleman from Pennsylvania [Mr. WELDON], who just did a superb job, was very animated, I think, very correct in his remarks in speaking about his disgust at the tactics we have seen employed by the opposition party out here on the floor whenever we have attempted to honestly discuss the warning contained in the Medicare trustees' report back to April.

Each year the Medicare trustees issue a report on the status of the Medicare trust funds. This past April 3, the disclosed Medicare will soon be bankrupt and urged Congress to respond swiftly to this crisis. I think it is important for our colleagues and constituents to understand the Medicare trustees are a nonpartisan, impartial board that reports on the status of Medicare each year. The trustees consist, as we have pointed out, of four Clinton administration officials, the Treasury Secretary, Labor Secretary, Health and Human Services Secretary, and Social Security Commissioner, and two nonadministration officials who represent the public. In other words, a majority, four out of six of the members of the Medicare trustees board, are Clinton-appointed trustees.

The trustees warned that Medicare is headed toward bankruptcy. Their report said the Medicare hospital trust fund part A, which covers hospital services for seniors, will begin to experience "increasing annual deficits" in 1996 and will be depleted in 2002. In other words, Medicare starts to go bankrupt, starts to go into the red, next year and will be completely bankrupt in 7 years.

In addition, the cost of the Medicare Supplementary Insurance Program, Medicare part B, which pays doctors' bills, has grown by 53 percent over the past 5 years. The trustees again warned, under the current system balancing the Medicare hospital trust fund for the next 25 years would require tax increases or a reduction in benefits.

The trustees' report actually stated, "Either outlays would have to be reduced by 30 percent, which would lead obviously to health care rationing for Medicare beneficiaries, or income increase by 44 percent or some combination thereof."

Mr. Speaker, as you well know, we have ruled out those two alternatives of health care rationing or a further increase in payroll taxes to top of the payroll taxes of the 1970's and 1980's. But we have responded to the Medicare trustees's urging to act quickly to address Medicare's problems.

So we hope that we can again have an honest debate. I would say to my colleagues on the other side of the aisle, using your logic, since President Clinton has finally come to the table, he has finally joined the debate, he too has proposed restraining the rate of growth in the Medicare Program and providing middle-class tax relief, by their own logic, President Clinton is proposing to, quote unquote, cut Medicare, in order to pay for a middle-class tax break. We know that is not true.

We know the scare tactics are ultimately not going to succeed with the American people. I am just concerned and disappointed that Congress and the Democrats have decided to spend all of their time and energy attacking the Medicare Preservation Act instead of joining us in saving Medicare. Their tactics distort our bill and what it would mean to senior citizens, demonstrating again why Americans are so upset with Washington, DC. The tactics are politics as usual, and it is politics at its worst, so we have already brought out tonight our bill increases Medicare spending in terms of the national average from $4,800 per beneficiary today to $6,700 per beneficiary in just 7 years.

The figures, again, in California are higher, $5,000 today to roughly $8,000 in approximately just 7 years.

Our bill expands choices to seniors. It does not increase deductibles or copayments, and the premium rate in Medicare part B stays exactly the same as the current rate. Our proposal saves Medicare from bankruptcy through the next generation, not just the next election.

Amercians, Mr. Speaker, of every age are tired of the excuses and the 30-second ads. They want Medicare saved. They know that in their hearts it is the

right thing do, and they know we must do it, and that is exactly what our proposal, which we will be debating and voting on this House floor next week, October 19, that is exactly what our proposal, the Medicare Preservation Act, does.

We have an obligation to lead as the governing party in the House of Representatives, and I urge our colleagues, stop the nonstop campaigning and join us in our efforts to save Medicare. You owe that to America's seniors.

TRIBUTE TO FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, if you want to hear about some brave firefighters, make that 2,164 extremely brave firefighters, talk to the people I represent in West Marin, CA. You see, over the past week, at least 45 homes and over 12,000 acres of Point Reyes National Seashore in Marin County, CA, have been destroyed by tragic wildfire, a fire caused by an irresponsible individual with an illegal campfire and in a non-campground.

I flew over the disaster area during the initial stages of the fire last week, and I can tell you that I have never seen anything so mighty and devastating and so tragic in my entire life. But, Mr. Speaker, the damage and injuries would have been far worse were it not for the incredible courage of firefighters from throughout the San Francisco Bay area and California, men and women who put their lives at risk to protect one of our Nation's greatest national treasures, the Point Reyes national seashore and the town of Inverness, CA.

Special praise goes to the Department of the Interior, the California department of forestry and fire protection, and the Marin County fire department. These three agencies coordinated an unprecedented fire fighting effort the likes of which you have never seen. In all, 2,164 firefighters representing 40 agencies participated in this massive effort.

In the effort to thank and honor them, I would like to submit a list of those agencies for the RECORD.

The list referred to follows:

AGENCIES THAT ASSISTED IN THE MOUNT VISION FIRE

National Park Service, Point Reyes National Seashore, Pt. Reyes.
California Department of Forestry, Santa Rosa.
Novato Fire District, Novato.
Dixon County Fire Protection District, Dixon.
Marin County Fire, San Rafael.
Vacaville County Fire Protection District, Vacaville.
Napa County Fire Department, Napa.
US Forest Service, San Francisco.
Suisun City Fire Department, Suisun.
Larkspur Fire Department, Larkspur.
Redwood Valley-Capella Fire Protection District, Redwood Valley.
San Mateo County Fire Department, San Mateo.
Ross Department of Police Services, Ross.
Oakland Fire Department, Oakland.
California Highway Patrol, Corte Madera.
California Department of Corrections, Santa Rosa.
Tiburon Fire District, Tiburon.
Corte Madera Fire Department, Corte Madera.
Salvation Army, San Rafael.
Kentfield Fire Department, Kentfield.
Department of Youth Authority, Sacramento.
San Rafael Fire Department, San Rafael.

Mr. Speaker, by air and land, these men and women worked around the clock with only a few hours' sleep. They slept on the ground in disposable paper sleeping bags. Thanks to their tireless efforts, 80 percent of the national park remains untouched, untouched by the fires, and Mr. Speaker, there were no, I repeat no, major injuries or loss of life.

Just to give you a hint of their selflessness, one resident whose home remains standing amid several others that were burned to the ground, returned to his home to find a note in his kitchen from the Tiburon fire engine company No. 12. The note said that the firefighters had fought to save the house from the surrounding flames and that they had been successful, but they wanted to thank the homeowner because afterwards they had come in and had soda and crackers. As the resident said, when he returned home, no amount of soda and crackers will ever be enough to repay these firefighters for their heroic actions. In fact, he said that he was the one that should be thanking the firefighters, not the other way around.

I assure you, Mr. Speaker, similar stories of firefighters going beyond their call of duty to assist victims and protect homes and the park can be found throughout West Marin.

Mr. Speaker, as we celebrate National Fire Prevention Week, let us salute our Nation's firefighters. Like the constituent that I told you about, we are all forever indebted to these courageous men and women, the true heroes of the United States of America.

Mr. HOYER. Mr. Speaker, let me first thank the gentleman from Pennsylvania [Mr. WELDON] for organizing this special order in recognition of Fire Prevention Week.

I would also like to commend the chairman of the bipartisan Fire Caucus, Mr. BOEHLERT, for his hard work and commitment to the fire service. The over 340 Members of this body who are in the Fire Caucus, are well served by such an able and effective chairman.

Mr. Speaker, most Americans recognize that the United States has the finest fire protection in the world.

Clearly, we have made valiant strides in fire prevention and safety since the very sobering report, America Burning, in 1973.

Firefighter deaths in the line of duty, as well as civilian fatalities, are on the decline.

Organizations such as the National Fire Protection Association who are sponsoring Fire Prevention Week have been integral in fire education and the promotion of safety and prevention.

The U.S. Fire Administration, located in my home State of Maryland, provides the backbone of our Nation's fire safety and protection services.

This administration also trains hundreds of firefighters each year and provides the very best in fire data and information.

Mr. Speaker, although we have seen these dramatic improvements in the number of fire-related fatalities in the last 20 years, the United States still lags behind many other industrialized nations in fire safety.

Last year, 100 of our very best firefighters were killed in the line of duty. Additionally, over 4,000 civilians were killed as a result of structural, vehicle, and outdoor fires.

While we can celebrate our accomplishments in fire prevention and safety over the two decades, we must take very seriously the challenge that lies ahead.

Mr. Speaker, I believe this challenge is twofold.

First, we must recognize the tremendous public service provided by America's fire-fighters.

Today, there are just over one million firefighters operating out of more than 30,000 departments nationwide.

Their dedication and service allow all Americans to rest a little easier at night and feel confident that if, in the unfortunate event that there is a fire, their lives and property will be protected by an able and dedicated fire service.

These firefighters should be all of our heroes as they work exhausting shifts and take on the greatest physical and mental challenges.

I have introduced a bill along with the chairman of the Fire Caucus, Mr. BOEHLERT, which would seek to correct one of the greatest inequities in the Federal Government pay system.

Every day over 10,000 Federal firefighters around the country put their lives on the line to protect the lives and property of the American people. Under the present pay system, Federal firefighters work over 25 percent more hours per week, yet earn nearly 44 percent less per hour than the average municipal firefighter.

Simply put, I have introduced this legislation to correct this pay inequity by bringing Federal firefighters under the same pay system as all Federal employees. Although the bill will not fully close the gap, it will compensate Federal firefighters at a level closer to that of municipal firefighters.

Where we can, we must also continue to ensure that all fire fighters, volunteer, municipal, and Federal receive all of the benefits and rights that can and should be afforded to them so that we can continue to encourage the very best in America to join the firefighter ranks.

Mr. Speaker, throughout the country, whenever there is an emergency, a fire, or other type of disaster, firefighters are the first to respond. They

don't simply put out fires. They provide moral support and are active and responsible members of our communities.

I rise with great admiration and appreciation for the service and dedication of firefighters throughout the United States.

Second and equally important, she must work toward a day when all Americans are educated about fire prevention and specific steps people can take to reduce fire hazards in the home and work place. The role of the U.S. Fire Administration along with States and local fire officials is crucial to this effort.

To address this issue, I have introduced a bill, H.R. 771, with Congressmen WELDON and BOEHLERT, which seeks to create a grant program, administered by the USFA, which would provide moneys to individual States and localities for the purposes of fire education and prevention.

Given that each State has different fire and safety issues and concerns, this bill will allow the USFA to focus its resources appropriately on each of the different needs.

Mr. Speaker, Let me be clear. I do not believe that the Fire Safety and Education Act of 1995 provides the entire answer to our fire prevention concerns. There must be a partnership between fire departments and organizations and the citizens of each community throughout America. What we can do is help to empower the American people to learn how to prevent fires from occurring and take greater responsibility for their own safety.

Teamwork is the key to continuing our efforts in reducing fire-related fatalities and damages.

This week is an important step in focusing attention on the successes of the past 20 years, but also the work that lies ahead. Whether through legislation on the Federal or State level. through increased training of our firefighters, and through education initiatives on the local levels, we must continue to focus on fire protection and safety.

Fire Prevention Week is a very good opportunity to focus on the fire service and these issues and I thank the gentleman from Pennsylvania for arranging for this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TEJEDA (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

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. GEJDENSON) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. BEVILL, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. JONES, for 5 minutes, on October 12.

Mr. KIM, for 5 minutes each day, today and on October 12.

Mr. BURTON of Indiana, for 5 minutes each day, on October 12 and 13.

Mr. BRYANT of Tennessee, for 5 minutes, today.

Mrs. SMITH of Washington, for 5 minutes, on October 12.

Mr. SMITH of Michigan, for 5 minutes each day, on October 12 and 13.

Mr. MCINNIS, for 5 minutes, today.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. FRANKS of Connecticut, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) and to include extraneous matter:)

Mr. RIGGS, for 5 minutes, today.

(The following Member (at her own request) and to include extraneous matter:)

Ms. WOOLSEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEJDENSON) and to include extraneous matter:)

Mr. STOKES.

Mr. KENNEDY of Rhode Island.

Mr. HAMILTON in two instances.

Mr. HOLDEN in two instances.

Mr. LANTOS.

Mr. ORTON.

Mr. STARK.

Mr. WAXMAN.

Mr. CLAY.

Mr. DIXON.

Mr. FARR.

Mr. FOGLIETTA in two instances.

Mr. WARD in two instances.

Mr. MARTINEZ.

Mr. EDWARDS.

Mr. ANDREWS in two instances.

Ms. JACKSON-LEE.

Mr. CARDIN.

Mr. FAZIO of California.

Mr. FROST.

Mrs. SCHROEDER.

Mr. VENTO.

Mr. POSHARD in three instances.

Ms. KAPTUR.

Mr. LAFALCE.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. WALKER.

Mr. MCDADE.

Mr. TALENT.

Mr. GILMAN in two instances.

Mr. YOUNG of Florida.

Mr. RADANOVICH.

Mrs. SMITH of Washington.

Mr. BURTON.

Mr. SMITH of Texas.

Mr. HASTERT.

Mr. HANSEN

Mr. STUMP.

Mr. PORTER.

Mr. WATTS.

Mr. HAYWORTH.

Mr. KING.

Mr. FORBES.

Mr. SPENCE.

Mr. ZIMMER.

(The following Members (at the request of Ms. WOOLSEY) and to include extraneous matter:)

Mrs. FOWLER.

Mr. DELLUMS.

Mr. WELLER.

Mr. THOMPSON.

Mr. MCCOLLUM.

Mr. KIM.

Mr. FOLEY.

Mr. YOUNG of Florida.

Mr. ACKERMAN.

ADJOURNMENT

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Thursday, October 12, 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:

1501. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's report on procedures to improve the identification of money laundering schemes involving depository institutions, pursuant to Public Law 103-325, section 404(c) (108 Stat. 2246); to the Committee on Banking and Financial Services.

1502. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the fiscal year 1993 program operations of the Office of Workers' Compensation Programs [OWCP], the administration of the Black Lung Benefits Act [BLBA], the Longshore and Harbor Workers' Compensation Act [LHWCA], and the Federal Employees' Compensation Act for the period October 1, 1993, through September 30, 1994; also a report on an annual audit of the LHWCA special fund accounts as required by section 44(j) of LHWCA; to the Committee on Economic and Educational Opportunities.

1503. A letter from the Secretary of Health and Human Services, transmitting the Department's report to Congress on out-of-wedlock childbearing, pursuant to Public Law 103–322, section 320907 (108 Stat. 2126); to the Committee on Commerce.

1504. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 96–01), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1505. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–50: Suspending Restrictions on United States Relations with the Palestine Liberation Organization, pursuant to Public Law 103–236, section 583(b)(2) (108 Stat. 489); to the Committee on International Relations.

1506. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–44, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund to meet the urgent needs of refugees in Rwanda and Burundi, pursuant to 22 U.S.C 2601(c)(3); to the Committee on International Relations.

1507. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for fiscal year 1996 that no U.N. agency or U.N. affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legislation of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103–236, section 102(g) (108 Stat. 389); to the Committee on International Relations.

1508. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the District of Columbia's Recycling Program," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

1509. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Agency's Federal sector report on EEO complaints and appeals for fiscal year 1993; also a copy of the EEOC's annual report on the employment of minorities, women, and people with disabilities in the Federal Government for fiscal year 1993; to the Committee on Government Reform and Oversight.

1510. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by House Joint Resolution 108 and H.R. 1817, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Reform and Oversight.

1511. A letter from the Director, Office of Management and Budget, transmitting the annual report on its 1995 Federal financial management status report and Government-wide 5-year financial management plan, pursuant to Public Law 101–576, section 301(a) (104 Stat. 2849); to the Committee on Government Reform and Oversight.

1512. A letter from the Executive Director of Government Affairs, Non-Commissioned Officers Associations of the United States of America, transmitting the annual report of the Non-Commissioned Officers Association of the United States of America containing the consolidated financial statements for the period December 31, 1994, and 1993, pursuant to Public Law 100–281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

1513. A letter from the Chairman, U.S. International Trade Commission, transmitting the 10th annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers, pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

1514. A letter from the Chairman, U.S. International Trade Commission, transmitting the second annual report on the impact of the Andean Trade Preference Act on U.S. industries and consumers and on drug crop eradication and crop substitution, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

1515. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation for the conservation title of the 1995 farm bill; jointly, to the Committees on Agriculture, Transportation and Infrastructure, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1506. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, and for other purposes; with an amendment (Rept. 104–274). Referred to the Committee of the Whole House on the State of the Union.

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. GILMAN (for himself, Mr. KING, Mr. SHAW, Mr. BERMAN, and Mr. FORBES):

H.R. 2458. A bill to impose sanctions on foreign persons exporting certain goods or technology that would enhance Iran's ability to extract, refine, store, process, or transport petroleum products or natural gas; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Banking and Financial Services, Commerce, and Government Reform and Oversight, 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. KASICH:

H.R. 2459. A bill to amend the Congressional Budget Act of 1974 to extend and reduce the discretionary spending limits and to extend the pay-as-you-go requirements set forth in the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget, and in addition to the Committee on Rules, 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. BARTON of Texas:

H.R. 2460. A bill to amend the Community Services Block Grant Act to redefine the term "eligible entity"; to the Committee on Economic and Educational Opportunities.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HOUGHTON, Ms. MCKINNEY, Mr. BLUTE, Mr. LONGLEY, Mr. FILNER, Mr. WELLER, Mr. ACKERMAN, Mr. DAVIS, Mr. CHRYSLER, Mr. NEY, and Mr. ENSIGN):

H.R. 2461. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SOUDER, Mr. FOX, Mr. LOBIONDO, and Mr. ENSIGN):

H.R. 2462. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for the consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FROST:

H.R. 2463. A bill to provide for payments to individuals who were the subjects of radiation experiments conducted by the Federal Government; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 2464. A bill to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes; to the Committee on Resources.

H.R. 2465. A bill to establish 5-year terms for, and require the advice and consent of the Senate in the appointment of, the Director of the National Park Service, and for other purposes; to the Committee on Resources.

H.R. 2466. A bill to improve the process for land exchanges with the Forest Service and the Bureau of Land Management; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. HASTERT (for himself, Mr. PORTER, Mrs. COLLINS of Illinois, Mr. RUSH, and Mr. NORWOOD):

H.R. 2467. A bill to grant certain patent rights for certain nonsteroidal anti-inflammatory drugs for a 2-year period; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. LOBIONDO (for himself, Mr. ZIMMER, Mr. WELDON of Florida, Mrs. VUCANOVICH, Mr. HOSTETTLER, Mr. TAYLOR of North Carolina, Mr. HEFLEY, Mr. BARTON of Texas, Mr. LIVINGSTON, Mr. BLUTE, Mr. BOEHNER, Mr. CHRISTENSEN, Mr. FIELDS of Texas, Mr. FRELINGHUYSEN, Mr. SAXTON, Mr. GILCHREST, Mr. HASTERT, Mr. KLUG, Mr. LAUGHLIN, Mr. MYERS of Indiana, Mr. COX, Mr. MONTGOMERY, Mr. WELDON of Pennsylvania, Mr. SOUDER, Mr. WELLER, Mr. BRYANT of Tennessee, Mr. COLLINS of Georgia, Mr. OXLEY, Mr. GUTKNECHT, Mr. HEINEMAN, Mr. PETE GEREN of Texas, Mr. LATOURETTE, Mrs. CHENOWETH, Mrs. CUBIN, Mr. KING, Mr. NEY, Mr. RAMSTAD, Mr. ROYCE, Mr. STOCKMAN, Mr. WICKER, Mr. STEARNS, Mrs. MYRICK, Mr. HUTCHINSON, Mr. BEREUTER, and Mr. EHLERS):

H.R. 2468. A bill to reform the process under which Federal prisoners bring lawsuits relating to prison conditions and treatment; to the Committee on the Judiciary.

By Mr. STOCKMAN:

H.R. 2469. A bill to amend title II of the Social Security Act to permit an individual entitled to both old-age or disability insurance benefits and to widow's or widower's insurance benefits to receive both without reduction in the amount of the widow's or widower's insurance benefit by the amount of the old-age or disability insurance benefit; to the Committee on Ways and Means.

By Mr. STOCKMAN (for himself, Mr. FUNDERBURK, Mr. YOUNG of Alaska, Mrs. CHENOWETH, and Mr. HOSTETTLER):

H.R. 2470. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary, and in addition to the Committees on Government Reform and Oversight, and 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. TORKILDSEN (for himself and Mrs. FOWLER):

H.R. 2471. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a nonparty multicandidate political committee may contribute to a candidate in a congressional election, and for other purposes; to the Committee on House Oversight.

By Mr. YATES:

H. Con. Res. 106. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on House Oversight.

By Mr. HOYER:

H. Res. 236. Resolution electing Representative CHAKA FATTAH of Pennsylvania to the Committee on Economic and Educational Opportunities; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. MCHALE.
H.R. 103: Mr. POMEROY.
H.R. 218: Mr. HOKE.
H.R. 294: Mr. FROST.
H.R. 438: Mr. BLUTE.
H.R. 468: Mr. STUPAK.
H.R. 580: Mr. FRISA.
H.R. 727: Mr. JOHNSTON of Florida.
H.R. 784: Mr. HANCOCK, Mr. HAYWORTH, Mr. LARGENT, Mr. LATOURETTE, Mr. LIVINGSTON, Mr. SKEEN, and Mr. HORN.
H.R. 789: Mrs. CHENOWETH and Mr. BREWSTER.
H.R. 791: Mr. BLUTE.
H.R. 842: Mr. HOSTETTLER.
H.R. 1000: Mrs. MEEK of Florida, Mr. ROEMER, and Mr. WYDEN.
H.R. 1023: Mr. GUNDERSON, Mr. GENE GREEN of Texas, and Mr. WALSH.
H.R. 1047: Mr. STOCKMAN.
H.R. 1090: Mr. NADLER.
H.R. 1114: Mr. DOOLEY.
H.R. 1119: Mr. FOX and Mr. ROHRABACHER.
H.R. 1161: Mr. COBLE.
H.R. 1204: Mr. MARTINI.
H.R. 1222: Mr. ZIMMER, Mr. MEEHAN, and Mr. LUTHER.
H.R. 1386: Mr. ANDREWS, Mrs. THURMAN, and Mr. HOKE.
H.R. 1404: Mr. FOLEY, Ms. FURSE, Mr. BILBRAY, and Mr. LEVIN.
H.R. 1484: Mr. FOLEY and Mr. CARDIN.
H.R. 1496: Mr. PICKETT.
H.R. 1499: Mrs. MEYERS of Kansas, Ms. RIVERS, and Mr. BARRETT of Nebraska.
H.R. 1500: Mr. DEUTSCH, Mr. GEJDENSON, and Mr. GENE GREEN of Texas.
H.R. 1539: Mrs. MORELLA.
H.R. 1684: Mr. STARK, Mr. FILNER, and Mr. HEFLEY.
H.R. 1702: Mr. NADLER.
H.R. 1703: Mr. NADLER.
H.R. 1704: Mr. NADLER.
H.R. 1801: Mr. MARTINI and Mr. TORKILDSEN.
H.R. 1803: Mr. ENSIGN.
H.R. 1810: Mr. LOBIONDO.
H.R. 1818: Mrs. CUBIN and GUTKNECHT.
H.R. 1856: Mr. ROSE, Mr. TORKILDSEN, Mr. STOCKMAN, Mr. SKEEN, Mrs. LOWEY, Mr. MICA, Mr. SMITH of Texas, Mrs. CUBIN, Mr. CHAMBLISS, Mr. SAWYER, Mr. KILDEE, and Mr. FRANKS of New Jersey.
H.R. 1920: Mr. GUTIERREZ, Mr. NADLER, Mr. MORAN, Mr. GENE GREEN of Texas, Mr. DOYLE, Mr. CONDIT, Mrs. MALONEY, and Ms. WOOLSEY.
H.R. 1930: Mr. FRANKS of New Jersey.
H.R. 1972: Mr. FROST, Mr. BARRETT of Nebraska, Mr. MCINNIS, Mr. SKEEN, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CALLAHAN, Mr. MINGE, and Mr. DUNCAN.
H.R. 2029: Mr. TAYLOR of North Carolina and Mr. BOEHLERT.
H.R. 2081: Mr. CRAPO.
H.R. 2137: Mr. BLILEY.
H.R. 2143: Mr. MENENDEZ and Mr. KLINK.
H.R. 2145: Mr. NEY.
H.R. 2199: Mr. THORNBERRY.
H.R. 2200: Mr. OXLEY, Mr. CHAMBLISS, Mr. SISISKY, Ms. RIVERS, Mr. BARTON of Texas, Mr. MANZULLO, Mr. PETERSON of Minnesota, Mrs. THURMAN, Mr. FOX, Mr. CARDIN, Mr. RAMSTAD, Mrs. CUBIN, Mr. NEUMANN, Mr. CRAPO, and Mr. PETERSON of Florida.
H.R. 2240: Mr. MORAN, Mr. OLVER, Mrs. MORELLA, Mr. FRANK of Massachusetts, Mr. SKAGGS, Mr. STARK, Mr. SMITH of New Jersey, and Mr. JEFFERSON.
H.R. 2265: Mrs. CLAYTON, Mr. GOODLATTE, and Mr. TANNER.
H.R. 2285: Mr. BEREUTER, Mr. BAKER of California, Mr. EMERSON, Ms. DUNN OF WASHINGTON, MR. FROST, and Mr. KING.
H.R. 2308: Mr. THORNBERRY.
H.R. 2328: Mr. FOX and Mr. EHLERS.
H.R. 2341: Mr. NETHERCUTT.
H.R. 2342: Mr. STENHOLM and Mr. HALL of Texas.
H.R. 2351: Mr. LOBIONDO and Mr. ENGLISH of Pennsylvania.
H.R. 2373: Mr. DICKEY.
H.R. 2374: Mrs. JOHNSON of Connecticut, Mr. ZIMMER, and Mr. HORN.
H.R. 2375: Mr. FAZIO of California and Mr. MATSUI.
H.R. 2402: Mr. CRAPO, Mrs. CHENOWETH, and Mr. HASTINGS of Washington.
H.R. 2414: Mr. HAMILTON, Mr. ROSE, and Mr. WARD.
H.R. 2417: Mr. ENGLISH of Pennsylvania, Mr. STEARNS, Mr. STOCKMAN, Mr. CRANE, Mr. BAKER of California, Mr. METCALF, Mr. STUMP, Mr. NETHERCUTT, Mr. KLECZKA, and Mr. LAHOOD.
H.R. 2429: Mr. BEILENSON.
H. Con. Res. 80: Mr. LEWIS of Georgia, Mr. NADLER, Mr. PORTER, Mr. TORKILDSEN, Mr. BARRETT of Wisconsin, Mr. WATT of North Carolina, Mr. WAXMAN, Mrs. SCHROEDER, Ms. FURSE, and Mr. GANSKE.
H. Con. Res. 102: Mr. KLUG, Mr. DURBIN, Mrs. MORELLA, Ms. ROYBAL-ALLARD, and Mr. KILDEE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 39

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 1: Page 21, line 13, before the first semicolon insert the following: "and conservation and management measures necessary to minimize, to the extent practicable, adverse impacts on that habitat caused by fishing".

Page 23, line 21, strike "(15)" and insert "(14)".

Page 24, line 12, strike the semicolon and insert "; and'.".

Page 24, strike lines 13 through 17.

H.R. 2405

OFFERED BY: MR. SAXTON

AMENDMENT NO. 25: Page 114, line 19, strike "(a) MARINE PREDICTION RESEARCH.—".

Page 115, strike lines 1 through 17.

Page 122, strike lines 10 through 21 (and redesignate the subsequent subsection accordingly).

H.R. 2405

OFFERED BY: MR. SAXTON

AMENDMENT NO. 26: On page 122, line 5, strike "Science" and insert instead "Resources and the Committee on Science".

H.R. 2405

OFFERED BY: MR. SAXTON

AMENDMENT NO. 27: On page 128, line 16, strike "Science" and insert instead "Resources and the Committee on Science".

H.R. 2405

OFFERED BY: MR. THORNBERRY

AMENDMENT NO. 28: Page 109, after line 4, insert the following new subsection:

(h) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction with the administrator of the National Oceanic and Atmospheric Administration, shall take immediate steps to ensure the NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range function as fully committed, reliable elements of the national weather radar network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRAD's.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range are to be considered as integral parts of the National Weather Radar Network.

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 29: On page 122, line 5, strike "Science" and insert instead "Resources and the Committee on Science".

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 30: On page 122, strike lines 11 through 13.

On page 122, line 14, strike "(B)" and insert instead "(1)".

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 31: On page 128, line 16, strike "Science" and insert instead "Resources and the Committee on Science".

EXTENSIONS OF REMARKS

MEDICAL RESEARCH'S POPULARITY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. PORTER. Mr. Speaker, as Congress moves to streamline government, we are faced with the responsibility of carefully reviewing each and every program to determine whether and to what extent proposed spending can be justified. As chairman of the Labor, Health and Human Services, Education Appropriations Subcommittee, I have found medical research at the National Institutes of Health to be one of our most vital endeavors. Federally supported biomedical research produces treatments to combat disease and injury, helping people live longer, healthier lives. On the economic side, the United States leads the world in biomedical research and development. Federally supported biomedical research creates high-skill jobs and supports an industry that generates a growing economy and a positive balance of trade for our country. In addition, the total costs associated with NIH since its inception have been more than paid for in terms of health care savings from just one discovery. And there have been thousands. The payback is tremendous.

The value of the medical research is widely held and supported by the American people. This fact is corroborated by a recent Harris Poll, the highlights of which I am including:

AMERICANS OPPOSE CUTS IN MEDICAL RESEARCH DOLLARS

Respondents were told that one impact of proposed changes in the Federal budget would be less money going to universities and their hospitals which teach medical students and do medical research. When asked whether they favored or opposed these changes in the Federal budget, 65 percent opposed proposed cuts in Federal support for universities and hospitals.

The younger those surveyed, the higher their response—among 18- to 24-year-olds, the opposition to the proposed cuts rises to 75 percent and among 25- to 29-year-olds, the opposition to the proposed cuts is 72 percent.

AMERICANS WOULD PAY HIGHER TAXES TO SUPPORT MEDICAL RESEARCH

Seventy-three percent would be willing to pay a dollar more per week in taxes if they knew the money would be spent on medical research to better diagnose, prevent, and treat disease.

Results from a November 1993 Harris poll were very similar—74 percent were willing to pay a dollar more per week in taxes if spent on medical research.

AMERICANS URGE CONGRESS TO PROVIDE TAX INCENTIVES FOR PRIVATE INDUSTRY TO CONDUCT MEDICAL RESEARCH

Sixty-one percent of those surveyed want their Senators and Representatives to support legislation that would give tax credits to private industries to conduct more medical research.

AMERICANS ARE WILLING TO DESIGNATE TAX REFUND DOLLARS FOR MEDICAL RESEARCH

Forty-five percent would probably and 15 percent would definitely check off a box on their Federal income tax return to designate tax refund money specifically for medical research.

When asked how much money they would be willing to designate to medical research, the median amount reported was $23.

AMERICANS OVERWHELMINGLY VALUE MAINTAINING THE UNITED STATES' POSITION AS A LEADER IN MEDICAL RESEARCH

Ninety-four percent of those surveyed feel that it is important that the United States maintain its role as a world leader in medical research.

AMERICANS HEARTILY ENDORSE HAVING THE FEDERAL GOVERNMENT SUPPORT BASIC SCIENCE RESEARCH

Those surveyed were asked if they agree or disagree with the following: "Even if it brings no immediate benefits, basic science research which advances the frontiers of knowledge is necessary and should be supported by the Federal Government."

Sixty-nine percent of respondents agree and 79 percent of young people ages 18 to 24 agree with the need to support basic research.

MEDICAL RESEARCH TAKES SECOND PLACE ONLY TO NATIONAL DEFENSE FOR TAX DOLLAR VALUE

While 45 percent gave Federal defense spending the highest rating for tax dollar value, second went to medical research with 37 percent of the respondents giving it a favorable tax dollar value.

Public education and Federal anti-crime effort ranked the lowest.

AMERICANS WANT MORE INFORMATION ABOUT MEDICAL RESEARCH IN THE PRINT AND BROADCAST MEDIA

Sixty-one percent of the Americans surveyed would like to see more medical research information in newspapers, magazines, and on television.

Seventy-seven percent of young people 18 to 24 want more medical research information from these sources.

HONORING THE CUCAMONGA VITICULTURAL DISTRICT

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. KIM. Mr. Speaker, I rise today to recognize the long overdue establishment of the Cucamonga Viticultural District, which will be celebrated on October 20, 1995.

The Cucamonga Viticultural District, which encompasses portions of the cities of Ontario, Rancho Cucamonga, and the community of Guasti, was officially established on May 1, 1995 in recognition of the regions unique and historic viticultural appeal.

Viticultural production began in the area in the late 1840's helping to establish California as a grape producing, wine-making region. This early activity helped to influence other growers and vintners, who through their efforts and dedication created a new industry for California. Cucamonga Valley viticultural production reached its peak almost 100 years later; in the 1940's and 1950's with over 60 wineries producing from approximately 35,000 acres. By this time the valley was home to the world's largest vineyard—6 thousand continuous acres covering Ontario, Rancho Cucamonga, and Guasti. In 1962, Cucamonga Viticultural District wines accounted for 98 percent of the 9½ million gallons of wine produced in the southern California wine district. Although development has replaced many of the vineyards, the remaining vintners produce award-winning wines from mature grape varieties such as: Zinfandel, Grenache, Mataro, Mission, Muscat of Alexandria, Palomino, Golden Chasselas, and others. Additionally several tons of the grapes grown in the Cucamonga Viticultural District are sold and shipped every season to wineries located in other parts of California and across the United States.

This appellation is truly deserved, signifying the distinct characteristics that make the Cucamonga Viticultural District one of a kind.

SALUTE TO THE NAACP HONOREES DR. C. DELORES TUCKER, BURT SIEGEL, AND OPERATION UNDERSTANDING

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Dr. C. Delores Tucker, Burt Siegel, and Operation Understanding who will be honored at the 23d annual awards dinner of the Philadelphia Branch of the National Association for the Advancement of Colored People.

Today, Dr. C. Delores Tucker, Burt Siegel, and Operation Understanding, will be honored for their outstanding work in supporting equal opportunity for humanity in the city of Philadelphia. Dr. C. Delores Tucker has worked tirelessly as the head of the National Political Congress of Black Women, Inc. Almost single handed, Delores Tucker has woken up America to the harshly negative effects of Gangsta Rap. Burt Siegel is the associate executive director of the Jewish Community Relations Council of Greater Philadelphia. On so many issues, Burt has been a loud and articulate conscience in our city. Operation Understanding, cofounded by George M. Ross, seeks to ease tensions between the African-American and Jewish communities. Together these individuals have worked to promote intergroup

harmony and understanding among Philadelphia's many rich and diverse ethnic communities.

I am proud of the accomplishments of Dr. C. Delores Tucker, Burt Siegel, and Operation Understanding, and I join with the Philadelphia National Association for the Advancement of Colored People in congratulating these exceptional individuals. I hope that my colleagues will join with me today in wishing Dr. C. Delores Tucker, Burt Siegel, Operation Understanding, and George Ross the very best in their continued service to the Philadelphia community.

CONTINUE ISOLATING MOBUTU

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HAMILTON. Mr. Speaker, I recently engaged in an exchange of letters with the State Department concerning the need for the United States to maintain its policy of diplomatic isolation against Africa's longest reigning and most corrupt dictator, President Mobutu Sese Seko of Zaire.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, August 17, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: It has come to my attention that the Administration may seek the assistance of President Mobutu of Zaire in providing Zairean troops to address security concerns along Zaire's borders with Rwanda and Burundi. I oppose such a move.

I agree with you concerning the seriousness of the security situation in Eastern Zaire and its connection to the incipient civil war in Burundi and the threat of renewed civil war in Rwanda. I also understand that the international community has made a commitment to the Government of Rwanda to address the security issue. I support that commitment.

But I do not believe that engaging the assistance of President Mobutu is a constructive way to address the security issue, for two reasons.

First, on a practical level, this step is more likely to exacerbate the security situation than improve it. Zairean forces in the border regions have been smuggling arms and providing resources and protection to the ex-Armed Forces of Rwanda. The population in Eastern Zaire is sympathetic to the Hutu cause. It is doubtful that Mobutu has the capacity to improve security in Eastern Zaire.

Second, seeking Mobutu's support sends exactly the wrong message to Zaire. Mobutu will use this appeal to claim legitimacy. For many years, during the Cold War, Mobutu posed as a "friend of the West" in order to gain Western acquiescence and support for his corrupt regime in Zaire. I fear that the proposed initiative will reinvigorate this charade. The outcome will be that Mobutu will be less likely to work with Prime Minister Kengo and the various opposition forces in facilitating a democratic transition in Zaire.

Mobutu's exit from the political scene is necessary to resolve Zaire's political crisis. To that end, I continue to support a policy of isolating Mobutu and denying him a legitimate role in international affairs. For these reasons, I do not believe the United States should have any role in seeking his help to address the deteriorating security situation in Eastern Zaire and along Zaire's border with Rwanda and Burundi.

I look forward to your reply.

With best wishes,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 25, 1995.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: I am responding to your letter of August 17 to the Secretary recording your opposition to seeking President Mobutu's assistance in providing Zairian troops to address security concerns along Zaire's borders with Rwanda and Burundi. We have no intention of conferring "legitimacy" on President Mobutu. We agree that this would seriously weaken our policy to support the transition to democracy in Zaire.

Contrary to recent press reports, the U.S. has not approached Mobutu for assistance with the refugee crisis and security in eastern Zaire. Our contacts were exclusively within cabinet ministries, particularly the prime Ministry and Foreign Ministry. It is correct that the United States, acting with its Troika partners (France and Belgium), has in the past not excluded outright any possibility of conversation with President Mobutu. You may recall, however, that Mobutu refused to receive the Troika representatives when its members wished to present a joint demarche regarding obstacles to the transition to democracy in April.

Regarding your concerns that Zairian forces are unlikely to improve the security situation in eastern Zaire, UNHCR notes that the elite Zairian security contingent operating in the camps under its auspices has performed professionally and had a demonstrably positive effect on camp security, to the pleasant surprise of many observers of the region. We agree, however, with your concern about indiscipline among Zairian forces generally, which is exacerbated when their salaries are not paid. (UNHCR pays the salaries of the troops seconded to its camps.) The performance of the non-UNHCR Zairian troops during the recent (now-suspended) forced repatriation was certainly of concern.

More generally, we would note that the focus of our Zaire policy remains support for the democratic transition and efforts toward economic reform. We continue to view Mobutu as the principal obstacle to democratic and economic reform in Zaire. The presidential proclamation barring those who obstruct democracy in Zaire from entering the U.S. would continue to apply to Mobutu should he request a visa. In this connection, however, we must take into account our obligations as host country to the United Nations. If Mobutu wishes to attend the 50th anniversary ceremonies this fall (as we expect he will), he would be permitted to come to the United States for that purpose.

We appreciate your interest in Zaire policy, and hope that this information will be helpful to you. Please do not hesitate to contact us if you have further questions or concerns.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

CENTRAL SAN JOAQUIN VALLEY SALUTES TOP FIVE BUSINESSES

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. RADANOVICH. Mr. Speaker, there is a program which involves constituents in my district which is worthy of note. In its fourth year, the Top Five program has become established as a local award that truly recognizes the best of the best in central San Joaquin Valley business.

The sponsors are: Baker, Peterson & Franklin, Certified Public Accountants; California State University Business Center; and the Fresno Business Journal.

The purpose of the Top Five is to provide the opportunity for successful companies and business leaders to interact with each other, and to stimulate businesses to persist in their efforts to redefine and reshape relations with their employees, their customers, and their communities in ways that promote the welfare of all.

The Business Journal goes on to state that the 1995 Top Five awards showcase outstanding private companies whose innovations and achievements have made a special contribution to the valley. This year, 41 businesses were nominated from a broad coverage area of Fresno, Madera, Mariposa, Kings, and Tulare Counties, with a significant number of finalists hailing from the mountain communities. Types of businesses represented by applicants range from manufacturers to services, and business sizes range from a handful of employees to nearly 1,000.

The five winners who were honored at a reception were selected by an independent panel of respected business and professional leaders. They are:

Danish Creamery Association whose CEO is James A. Gomes. Danish Creamery is one of Fresno's oldest businesses and has received many medals attesting to the associations commitment and quality. It employs 130 people.

Heidi's 1-Hour Photo in Mariposa. The owner is Heidi Vetter. She employs 6 others who offer photo finishing. Heidi has also added a custom-framing shop which allows her to process film into a family treasure hanging on the wall.

Inland Star Distributing Centers, Inc. Michael Kelton, who is president has a staff of 10. Inland Star began in 1981 as a local, single-site, public warehouse. It is now a national, five-site, full-service distribution organization.

Ruiz Food Products, owned by Fred Ruiz employs 775 people. Ruiz Foods is a multimillion-dollar business that was recently listed No. 26 among the top 500 Hispanic-owned businesses nationwide. It, today, is the largest burrito manufacturer in the United States.

Sierra Press, Inc., in Mariposa employs 5 people. Jim Wilson is the CEO. The business was cofounded by Mr. Wilson and Jeff Nicholas. Sierra Press has built a devoted customer base through its unique approach to book publishing. They specialize in photographic scenes and memories of America's national parks.

Once again, congratulations to all the companies who participated this year.

TRIBUTE TO LINDA OVERMOYER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. McDADE. Mr. Speaker, today I rise to pay tribute to Ms. Linda Overmoyer. On Tuesday, October 24, 1995, Ms. Overmoyer will be officially honored at the annual conference of the National Industries for the Blind [NIB]. Please join me in applauding Ms. Overmoyer for her perseverance in meeting many personal and professional challenges, for her accomplishment in winning NIB's Testimony to Work Essay Contest, and for setting an example of excellence for others.

Linda Overmoyer's submission to NIB's Testimony to Work Contest embodies the pride and accomplishment that results from pursuing excellence in her everyday life. Ms. Overmoyer, 47 and the mother of four grown children, and her husband Robert Overmoyer II, recently purchased their own home. Her employment at North Central Sight Services, Inc., in Williamsport, PA, has provided Ms. Overmoyer with full-time employment and benefits such as medical insurance and a retirement plan.

The Javits-Wagner-O'Day Act was created by Congress to provide job opportunities for Americans who are blind. Through this act, Linda Overmoyer, who has been legally blind for 20 years and totally blind for 13 years, now has the satisfaction of helping other people who are blind. Ms. Overmoyer is a member of the Williamsport Lion's Club, through which she received her guide dog, and travels throughout central Pennsylvania speaking to other Lion's Clubs and youth groups about the ways in which her job and guide dog have increased her independence.

The following is Ms. Overmoyer's winning Testimony to Work essay:

PARTICIPATING IN THE "AMERICAN DREAM"

In May of 1983, my husband and I entered into a new phase of our lives. That was the time we began our employment with North Central Sight Services, Inc. It was also the beginning of something we had thought would be beyond possibility for us.

Some people in our society do not look upon this as anything great or beyond an everyday occurrence. Much like getting a glass of water. But when you're visually impaired, this becomes a challenge much like climbing that last great mountain.

Before our employment, we were like so many who are always on the receiving end of things and never able to fully participate in the natural flow of life. We were living in government housing, participating in the food stamp program, and dependent on government medical assistance.

Since our employment, and especially since the involvement of the National Industries for the Blind (NIB), life has become more concrete and provides more of a purpose. We are no longer in government housing, we are no longer in the food stamp program and we no longer partake of the medical assistance we once did.

When NIB became a part of our production facility and work became more secure, we felt the freedom to invest in the purchase of our own home. Also, benefits have come to us such as: paid holidays, sick leave, medical coverage (Blue Cross/Shield), bereavement days, and retirement plans. All of which have improved our present life and hopes for the future.

CONGRATULATIONS TO THE FIRE SERVICE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the men and women of the American fire service who answered the call when fire threatened my district in Long Island. In a situation that could have been catastrophic to the people of Long Island, I learned firsthand the skills and generosity of the American fire service.

As everyone knows, the recent drought in New York led to the terrible wildfires which swept across Long Island this fall. The local fire service, aided by colleagues from across the country, fought heroically to fight the fires. Despite arid conditions and a heavy fuel load, the terrific firefighters were able to protect the residents of Eastern Long Island from any loss of life.

I am extremely pleased to report that all is now quiet on Eastern Long Island. The raging fire is no more; thanks to the determination and hard work of 3,000 firefighters who came from all over Suffolk and Nassau Counties, New York and even Connecticut; along with county, State and Federal fire experts.

Tired and exhausted, our firefighters dug deep to find the strength to carry on the face of such an ominous foe. They put the health and welfare of an entire Eastern Long Island community ahead of their own safety to stop the raging flames. The perseverance, determination, bravery, and courage of some 5,000 firefighters, police, emergency medical and other personnel can be summed up simply with the words of Bruce Stark, a 24-year-old firefighter from East Islip: "Civilians are depending on us, and if they bail out we have no hope."

Our heartfelt thanks go out to each and very firefighter who selflessly worked for days to extinguish the mammoth fire.

In those few days we witnessed first hand the acts of Long Island's solid-gold, true blue American heroes and on behalf of all of us in the community, I express the utmost gratitude to all who worked so successfully to save our homes, our businesses, our schools, and our churches and synagogues.

It is a tribute to the hard work and training of the American Fire Service and the firefighters of Long Island that the fires on Long Island didn't do more damage than they did. It is my pleasure to use the occasion of Fire Prevention Week to thank all the firefighters for what they did for the people of Long Island.

NATIONAL DAY

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. MARTINEZ. Mr. Speaker, I would like to join the Taiwanese people in celebrating the 84th anniversary cf National Day which commemorates the revolution and overthrow of the Ching Dynasty.

Mr. Speaker, Taiwan has a dynamic economy that is the envy of the world. Taiwan has the 19th largest economy in the world and it holds nearly $100 billion in foreign exchange reserves. The United States, moreover, is Taiwan's main foreign investor and trading partner.

By any measurable standard, Taiwan is an economic powerhouse that has earned its rightful place in the world community. Taiwan has unequivocally demonstrated that it cannot be relegated to the ash heap of history.

Mr. Speaker, Taiwan can no longer be treated as a pariah, as a second class citizen within the international community of states. The Taiwanese people, through their sweat and toil, have built a great democratic nation that shines like a beacon of hope throughout Asia. Taiwan is a thriving and bustling democracy of 21 million people who demand their rightful place on the world stage.

Recent developments such as Beijing's guided missile test off the coast of northern Taiwan represents nothing more than a crude attempt at intimidating the Taiwanese people. Such efforts will not succeed in cowing the indomitable spirit of democratic reform in Taiwan.

It is time for the United States to take the lead in actively supporting Taiwan's full participation in and representation on major international organizations like the United Nations, the General Agreement on Tariffs and Trade, the International Monetary Fund, and the World Bank. A political and economic force as important as Taiwan deserves no less. Taiwan's participation in these international regimes would in no way diminish, prejudice or challenge mainland China's current international status.

Moreover, private visits by Taiwanese officials to America, such as President Lee Teng-Hui's historic visit this past June, should be welcomed by the United States Government. This does not mean we should disregard the legitimate concerns of the People's Republic of China. Nor does it mean the United States should kowtow to Beijing's unwarranted threats.

The ultimate fate of Taiwan must be the product of peaceful negotiations between Beijing and Taipei, between the Chinese and Taiwanese people. Military force is not and can never be a viable option to resolve the Taiwan-Straits question. There is simply too much as stake for both Taiwan and China, and for the geopolitical stability of the Pacific-rim.

Finally, Mr. Speaker, I would like to salute the people of Taiwan for their tremendous democratic and economic accomplishments. Taiwan deserves and has earned our respect, admiration, and steadfast support.

HONORING JOSEPH KAMANSKY

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. KIM. Mr. Speaker, I rise today to pay tribute to Mr. Joseph Kamansky who on October 20, 1995, will be honored by the West End YMCA by being inducted into their Hall of Fame.

Mr. Kamansky was born in Ontario in 1914 and attended Euclid Elementary School, Chaffey High School, and Chaffey Junior College. In partnership with his brother Louis, he began ranching in south Ontario. Five years later, in partnership with Fred Beal he began a 21-year career as the owner of a service station and garage. In 1962 he and his wife Rosalie, whom he married on August 1, 1936, began their successful real estate career. Joe quickly became active on many committees for the Inland Empire West Board of Realtors, and in 1975 was presented their first Realtor Associate Award, followed with life membership in 1981 and membership for life by the California Association of Realtors in 1989. In 1976 Joe was elected to the San Bernardino County Board of Supervisors from the 2d district where he served with distinction until 1978.

The community and service to others has been a constant part of the life of Joe Kamansky. He was a sustaining member of the Girl Scouts and Boy Scouts for many years. He served on the board of directors of the West End Boys Club for 5 years, volunteered as a Little League coach for 5 years, officiated at the Chaffey High School Invitational track meet for 33 years, and for 10 years sponsored the Eagle Scout Annual Dinner. Throughout all of his civic and community involvement, Joe is most recognized for his more than 40 years of service as a member of the board of directors for the West End YMCA. In 1975, he was named the YMCA Man of the Year. He found that through the YMCA he could do the most to benefit the community, working hand in hand with the youth of our community, helping to sustain and nurture our young people. Joe has found that the friendships and good people in the community made for a fine and lasting YMCA. His dedication and enthusiasm will always be appreciated, and will be passed on to the youth of our neighborhoods.

Joe truly deserves to be named to the West End YMCA Hall of Fame, and I salute his tireless efforts.

TRIBUTE TO COL. CHARLES P. MURRAY, JR.

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. SPENCE. Mr. Speaker, today, in a joint meeting, the Congress honored World War II veterans, their families, and those who served on the home front to ensure that freedom prevailed in that great conflict. This moving ceremony was part of the closing activities of the commemoration of the 50th anniversary of World War II.

Representing the Second Congressional District of South Carolina at the joint meeting was Medal of Honor recipient Col. Charles P. Murray, Jr., who was accompanied by his wife, Anne. Colonel and Mrs. Murray reside in Columbia. Colonel Murray served valiantly in World War II. He is an outstanding patriot who is most deserving of the recognition that he has received. I would like to take this opportunity to include in the CONGRESSIONAL RECORD, the entry of Colonel Murray, which appears in the publication "Medal of Honor Recipients 1863–1978," prepared by the Committee on Veterans' Affairs of the United States Senate. I feel that his example is an inspiration to all as we honor those, like Colonel Murray, who dedicated themselves to the call of duty to our great Nation in World War II.

MURRAY, CHARLES P., JR.

Rank and organization: First Lieutenant, U.S. Army, Company C, 30th Infantry, 3d Infantry Division. Place and date: Near Kaysersberg, France, 16 December 1944. Entered service at: Wilmington, N.C. Birth: Baltimore, Md. G.O. No. 63, 1 August 1945. Citation: For commanding Company C, 30th Infantry, displaying supreme courage and heroic initiative near Kaysersberg, France, on 16 December 1944, while leading a reinforced platoon into enemy territory. Descending into a valley beneath hilltop positions held by our troops, he observed a force of 200 Germans pouring deadly mortar, bazooka, machinegun, and smallarms fire into an American battalion occupying the crest of the ridge. The enemy's position in a sunken road, though hidden from the ridge, was open to a flank attack by 1st Lt. Murray's patrol but he hesitated to commit so small a force to battle with the superior and strongly disposed enemy. Crawling out ahead of his troops to a vantage point, he called by radio for artillery fire. His shells bracketed the German force, but when he was about to correct the range his radio went dead. He returned to his patrol, secured grenades and a rifle to launch them and went back to his self-appointed outpost. His first shots disclosed his position; the enemy directed heavy fire against him as he methodically fired his missiles into the narrow defile. Again he returned to his patrol. With an automatic rifle an ammunition, he once more moved to his exposed position. Burst after burst he fired into the enemy, killing 20, wounding many others, and completely disorganizing its ranks, which began to withdraw. He prevented the removal of 3 German mortars by knocking out a truck. By that time a mortar had been brought to his support. 1st Lt. Murray directed fire of this weapon, causing further casualties and confusion in the German ranks. Calling on his patrol to follow, he then moved out toward his original objective, possession of a bridge and construction of a roadblock. He captured 10 Germans in foxholes, An eleventh, while pretending to surrender, threw a grenade which knocked him to the ground inflicting 8 wounds. Though suffering and bleeding profusely, he refused to return to the rear until he had chosen the spot for the block and had seen his men correctly deployed. By his singlehanded attack on an overwhelming force and by his intrepid and heroic fighting, 1st Lt. Murray stopped a counterattack, established an advance position against formidable odds, and provided an inspiring example for the men of his command.

PROPOSED CHANGES IN CUBA POLICY

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. ZIMMER. Mr. Speaker, President Clinton's proposed changes in our Cuba policy are wrong. Allowing U.S. news agencies to establish bureaus, allowing academic exchanges, and easing currency restrictions will only reward the Castro regime for maintaining an oppressive dictatorial regime over the Cuban people and will undermine congressional efforts to tighten the noose by strengthening economic sanctions. Castro will be succored by President Clinton's proposals.

There can be no reconciliation with the murderous regime that has enslaved the Cuban people for more than 36 years and continues to sustain itself by inflicting pain on the island nation. I must disagree with the comments attributed to Richard Nuccio, President Clinton's special advisor on Cuba, as reported in the Sunday edition of the New York Times when he characterized the administration's proposals as steps to help the Cuban people produce change.

I deeply regret the suffering of the Cuban people, but the greatest pain one could inflict on them is to allow Fidel Castro to continue in power.

I urge the Clinton administration to support congressional efforts to isolate the Castro regime and to create an international coalition that will force the end of Castro's rule.

I also urge my congressional colleagues to oppose the administration's policies of appeasement and to repudiate them unequivocally.

A 300TH ANNIVERSARY TRIBUTE TO PHILADELPHIA'S CHRIST CHURCH

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to one of Philadelphia's most renowned religious and historic institutions. As Christ Church of Philadelphia prepares to celebrate its tercentenary anniversary this November, I would like to take a moment to reflect on the remarkable longevity and history of this most special congregation.

Since the opening of its doors on November 15, 1695, Christ Church of Philadelphia has influenced and witnessed the development of our Nation. On July 20, 1775, the Continental Congress gathered at the church to worship. Before penning the Declaration of Independence and the Constitution in 1776 and 1787, our Founding Fathers entered the halls of Christ Church for strength and guidance. The list of Christ Church's early congregants reads like a history text book. George Washington, Betsy Ross, and Benjamin Franklin were all members of the parish. Christ Church's adjacent graveyard is the final resting home for

scores of American patriots including three of the six men who signed both the Declaration of Independence and the Constitution.

Throughout its sacred history, the congregants of Christ Church have dedicated themselves to public and community service. The first African-American Episcopal priest, Absalom Jones, was ordained Deacon at Christ Church in 1795. During the Civil War, members of Christ Church helped wounded soldiers. In World War I, Rector Louis Washburn established medical clinics and soup kitchens which assisted community residents through the Great Depression. In recent years, Rector James Trimble has led Christ Church in their coordination of the Philadelphia Interfaith Action Alliance which has raised more than $4 million to build 1,000 low-cost homes for families in Philadelphia.

Commencing on November 10, 1995, Christ Church has planned a 10-day schedule of events to celebrate its Tercentenary. The highlight of this occasion will be a 3 day conference entitled, "The Soul of America in a World of Violence: A Religious Response." Continuing in Christ Church's rich history of social progress, this vital conference will assemble leaders from throughout the Nation to address how violence affects our cities, our children, and our Nation as a whole.

Mr. Speaker, Congress has already recognized the historical significance of Christ Church when it was designated a national shrine in 1950. I would like to ask my colleagues to rise and join me once again in paying tribute to Christ Church on the glorious occasion of its 300th anniversary.

COMMEMORATING THE END OF WORLD WAR II

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HAMILTON. Mr. Speaker, I am very pleased to participate in today's joint meeting of Congress to honor World War II veterans, their families, and those who served on the home front.

In recent years Washington has witnessed the construction of a host of memorials: We have honored the veterans of the Vietnam war. We have honored the Korean war veterans. We have honored the Navy with an impressive memorial on Pennsylvania Avenue. It is proper that we honored those veterans for their sacrifices.

But we have not properly honored the veterans of World War II with a permanent memorial here in the Nation's Capital. As a result, World War II veterans may feel they have not been sufficiently recognized. But that oversight will be corrected. We are finally preparing to construct a memorial to the veterans of World War II. I commend those who have pushed so hard to see this approved.

Today's joint meeting is one in a series of events designed to commemorate the end of World War II and honor the contributions made by those who served in that effort. I wish to add my voice of appreciation.

Without any doubt, World War II and its struggle against totalitarianism is the defining event of our time. It continues to reverberate 50 years later, overshadowing all of the events that have occurred since 1945. It will shape our history and our attitudes into the next century.

I am impressed by the many ways World War II has shaped the world we live in today: The global struggle of the past half century—the cold war—was the direct result of World War II. Today, we still live in the ideological shadow of the cold war: the post-cold-war era.

The great powers of today emerged victorious from World War II: Not just the United States, which became the world's most powerful Nation, with the strongest economy—but also France, Britain, and Russia. Other powers—Germany and Japan—emerged from the war's ashes of the war.

World War II laid the groundwork for the longest economic boom in world history. It also ushered in the atomic age.

The boundaries of Europe and Asia that were drawn in the aftermath of World War II remain, with few exceptions.

Many of our political leaders during the last 50 years were tested in World War II, from Dwight Eisenhower to Jack Kennedy to George Bush.

World War II also has affected our life in more subtle ways. A number of technological advances we take for granted today are the direct result of World War II: jet engines, penicillin, radar, synthetic rubber, even computers, just to name a few.

World War II also had a profound impact on American society and culture. Our higher education system was radically altered by the millions of veterans who attended college on the GI bill. Women emerged as a power in their own right as a result of World War II, and have become a crucial force in our workplace. Our suburbs—now the dominant lifestyle in America—were first created for returning veterans. the baby boom generation that dominates much of American culture is the direct result of World War II.

Today, as we remember the end of World War II, let us honor the sacrifices made by our World War II veterans. Let us guard the freedoms they fought to protect. And let us never forget that the political pluralism and economic prosperity that we see around the world are the legacy of World War II and those who fought and died in that war.

H.R. 1555—TELECOMMUNICATIONS

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. WARD. Mr. Speaker, in early August this House passed a historic bill to update this Nation's telecommunications laws. H.R. 1555 will change the status quo and allow for full and fair competition in local service, cable, and long distance. Consumers across America will benefit from the new jobs and economic benefits that will be created by this important bill.

While the long distance companies opposed H.R. 1555, there are still a number of advantages they retain if this bill becomes law. I would like to include in the RECORD the attached paper which outlines these advantages.

WHY BELL COMPANIES NEED FEDERAL LEGISLATION

The states are opening the Bell companies markets to competition, without Federal legislation. Currently over 60% of all local telephone lines are in states that allow local competition. By year end 1995 it is expected that almost 80% of all local telephone lines will be subject to competition.

Nevertheless, a Federal Court-approved AT&T consent decree absolutely bars Bell companies from offering interLATA services or manufacturing, and seriously interferes with their information services and other offerings (e.g., customer premises equipment, cellular and PCS).

This results in government-mandated advantage to long distance companies that can offer one-stop shopping of local, long distance and information services.

The Bell companies have only two avenues for relief—Congress and the courts. The triennial review process promised by the Department of Justice to lift the decree prohibitions has broken down. The waiver process in the AT&T consent decree has broken down.

Even when it works, the Court process (e.g., information services relief), including appellate review, takes years, creates uncertainty, delays relief, and stifles real competition.

AT&T reneged on its commitment to support Bell companies efforts to lift the "line of business" restrictions in the Decree, restrictions that AT&T said it did not support.

AT&T and others continue to use the decree successfully to limit competition in their long distance markets.

With increasing competition from new local exchange carriers, cellular providers and PCS, the Bell companies will increasingly be harmed by the inability to offer the same one-stop shopping alternatives that long distance companies can offer.

Congress should reestablish itself as the principal telecommunications policy maker and open all markets to competition as soon as possible and at the same time.

WHY LONG DISTANCE CARRIERS CAN AFFORD TO KILL FEDERAL LEGISLATION

There are no Federal restrictions uniquely applied to long distance companies affecting their ability to enter any other telecommunications market including the local exchange market, the intraLATA toll market, the cable TV market, or manufacturing.

Virtually all States already permit intraLATA toll competition, 29 States have opened and 14 others are considering opening the local exchange to competition.

Currently over 60% of all local telephone lines are in states that allow local telephone competition.

By year end almost 80% of all local telephone lines are expected to be subject to competition.

States commissions have years of experience working with carriers on interconnection of local networks, e.g., cellular to local, intraLATA toll to local, and local to local networks, so no new Federal program is required.

Issues of interconnecting local to interstate networks have largely been resolved through FCC-mandated equal access and interconnection rules.

The FCC already has fully adequate powers over interconnection in the communications Act.

Long distance carriers have already announced that they are investing billions of dollars in local networks and services in virtually every major metropolitan market as soon as possible, showing their confidence in existing processes.

Long distance carriers also have access to alternatives to the local loop.

Cellular services through ownership (e.g., ATT/McCaw) or simple resale (e.g., MCI's recently announced strategy).

Personal Communications Services: AT&T spent over $1.68B in 21 MTAs, and will spend an estimated additional $2.5B to build out those properties; Sprint spent $2.1B in 29 MTAs. Cable loops to over 70% of households and businesses in the US.

Long distance carriers have been able to use consent decree restrictions to keep the Bell companies from competing with them. As a result, the long distance companies have been able to raise their rates 5 times and 20% in the last 4 years, while the Bell companies lowered their access charges to those long distance companies 7 times and 40% during the same period.

In other words, long distance companies win if there is no Federal legislation. They keep their markets closed to Bell company competition, maintain oligopoly profits for the Big Three, gain unrestrained access to the Bell companies' markets, and can offer one-step shopping while the Bell companies cannot.

KEY ADVANTAGES RETAINED BY LONG DISTANCE CARRIERS UNDER REVISED H.R. 1555

LONG DISTANCE CARRIERS MAY ENTER THE LOCAL TELEPHONE EXCHANGE MARKET IMMEDIATELY

Bell Companies Cannot Enter the Long Distance Market Until:

They Face Facilities-based Competition in Residence and Business Markets.

They Comply with Checklist.

LONG DISTANCE CARRIERS MAY IMMEDIATELY RESELL THE LOCAL SERVICES OF THE BELL COMPANIES AT SPECIAL RATES

Bell Companies Are Barred from Reselling Long Distance Services until They are Granted Full InterLATA Relief, Except Limited Incidental InterLATA Services.

LONG DISTANCE CARRIERS ARE NOT REQUIRED TO USE SEPARATE SUBSIDIARIES TO OFFER LOCAL SERVICES

Bell Companies Are Required to Use Separate Subsidiaries for Long Distance Offerings, Including Incidental InterLATA Service and Grandfathered InterLATA Services

LONG DISTANCE CARRIERS MAY OFFER ALARM MONITORING SERVICES

Bell Companies Cannot Offer Alarm Monitoring Services for Years

LONG DISTANCE COMPANIES MAY OFFER ELECTRONIC PUBLISHING SERVICES WITHOUT SEPARATE SUBSIDIARY REQUIREMENTS

Bell Companies May Offer Electronic Publishing Services Only Through Separated Affiliate Or Joint Venture Structures

LONG DISTANCE COMPANIES MAY MANUFACTURE THEIR EQUIPMENT

Bell Companies Cannot Manufacture Their Equipment Until InterLATA Relief Is Obtained

HONORING EMERGENCY SERVICE WORKERS DURING LOCAL HEROES WEEK

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. EDWARDS. Mr. Speaker, today I extend a well-deserved thanks to the police, fire, and emergency service workers in Bell County and part of Coryell County. These public servants are being recognized during Local Heroes Week which was first celebrated in 1992 by local government and business.

Contributions from local businesses provide money to purchase gifts, such as special shirts and caps, and to fund an endowment for scholarships at Central Texas College for the immediate family of these heroes.

This year, Local Heroes Week will run from November 5 through 11. Nearly 1,000 police, fire, and emergency service workers in the two-county area will be honored. My thanks go out to the organizers of this event. I especially thank the men and women being honored, those public servants who day in and day out put their lives on the line to protect us from crime, disaster, fire, and sickness.

I ask Members to join me in honoring the police, fire, and emergency workers in my Texas congressional district and across the country who provide us with much needed—but often not recognized or appreciated—public service.

HONORING VIOLA M. BERARD

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor Viola M. Berard of Woonsocket. Viola M. Berard has become the first citizen in the history of Woonsocket, RI, to win the major honors of Autumnfest Grand Marshal and Senior Citizen of the Year in the same year.

Mrs. Berard is an outstanding recipient of these prestigious awards, which recognize four decades of commitment to the city of Woonsocket, beginning with her four terms of service on the school committee from 1957 to 1965, including a term as chairwoman, and continuing with her current dedication as the coordinator of the Volunteers in Action human resources committee for northern Rhode Island. Her greatest achievement in bettering the lives of thousands of greater Woonsocket residents comes in her work as an incorporator of the Northern Rhode Island Community Mental health Center nearly three decades ago, and her leadership to the center as its former president, staff member and in her continuing role as a volunteer, prompting the center to be named in her honor.

Mrs. Berard has been active in many other good causes in Woonsocket, from her active current involvement with the Quota Club, Connecting for Children and Families and the American Red Cross, and her past involvement with Tri-Hab House, Catholic Family Services, and the Visiting Nurses Association. She was honored at a grand marshal reception sponsored by the Autumnfest Steering Committee on October 3, 1995, at Fleet Bank in Woonsocket, led the Autumnfest Parade on October 9, 1995, and then will be honored again by the Woonsocket Senior Citizens Center Advisory Committee at a banquet in her honor on October 19, 1995, at the Woonsocket Senior Citizens Center.

ACROSS THE ROAD

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. WARD. Mr. Speaker, last Sunday, October 1, I participated in the Farm Aid Town Hall Meeting in my district of Louisville, KY. Along with gaining very insightful information from our Nation's farmers, I had the privilege to hear Katie Godfrey, a 10-year-old from Powersville, MO, read a poem in which she describes a hog-raising operation near her home. I hereby request that her poem is printed in the RECORD as follows:

ACROSS THE ROAD

Across the road is no place to play
The smell is so bad, it smells everyday
Across the road is a pool of waste
The smell stings my eyes like I've just been maced
Across the road, they pollute the creek
The smell is enough to make you sick
Across the road they dump waste over the side
They put out their hogs after they've died
Across the road they've begun to build on
The fans keep us up from dusk 'til dawn
Across the road they bring grain by the load
I can no longer ride my bike on the road
Across the road the pigs are noisy when they sell
All my friends feel sorry for me because of the smell—

KATIE GODFREY.

TRIBUTE TO MARGARET OWINGS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FARR. Mr. Speaker, it is my great pleasure to rise today in salute of one of the Nation's most outspoken and respected conservationists, Margaret Owings. A longtime resident of Big Sur, on California's beautiful central coast, Mrs. Owings is perhaps most responsible for the natural beauty that is seen in her community to this day. Residents and visitors alike know of the time and effort she has contributed in maintaining the wondrous, untouched nature that has made the Big Sur region one of California's most prized natural treasures.

Before arriving in Big Sur just a few years back, Mrs. Owings had already stockpiled an impressive list of achievements from graduating Mills College to doing post-graduate work at Radcliffe College. Before turning her expertise to political activism, she was a renowned

artist whose paintings have graced the walls of the Santa Barbara Museum of Art, Stanford Art Gallery, and the Museum of International Folk Art in Santa Fe. However, during the past 30 years, she has dedicated her life to the conservationist movement.

Margaret Owings has always followed the credo that "once you come to live in an area you have the responsibility to help preserve it." And perhaps not remarkably to those who know her, this is just what she has done. Mrs. Owings' contributions are immense. Confronted by a legion of hunters and a California statues enabling these hunters to savagely kill mountain lions, she battled to have a new law championing the rights of the mountain lions. Though hunters tried to have the law repealed, Mrs. Owings still did not quit. She adamantly supported the California Wildlife Protection Initiative to create a safe home for these animals. What's more, she also started Friends of the Sea Otter. This 4,000-member organization has fought to establish the coastline as a refuge for the otters.

Mrs. Owings not only has made her town a safer place for animals to live. She has also made it a better place for all of us to live. She diligently argued to preserve the scenic beauty of Big Sur by preventing legislation to widen State 1. Finally, Mrs. Owings, in conjunction with her Big Sur neighbors, agreed to prevent construction of hotels and golf courses along the coast that would obstruct and rob Big Sur of its natural beauty.

For this tireless effort, she has received the Conservation Service Award of the U.S. Department of the Interior, the Joseph Wood Krutch Gold Medal of the Humane Society, the Audubon Medal, and the Directors Conservation Award from the California Academy of Sciences. Yet, despite these achievements I still feel it is necessary for this Congress to pay its tribute. I am proud to have people like Margaret Owings in my district. Her unfaltering dedication to maintaining the natural beauty and species diversity sets an example that we all should strive to follow.

DR. MARGARET HUBER: LEADING THE COLLEGE OF NOTRE DAME INTO THE 21ST CENTURY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in welcoming Dr. Margaret A. Huber as the 16th president of the College of Notre Dame in Belmont, CA. As Dr. Huber is inaugurated, I am confident that her proven leadership abilities will allow the college to build upon its foundation of success and its commitment to the education of the whole person. Dr. Huber will lead the College of Notre Dame into the 21st century as an elite institution in the world of academia.

Upon earning a bachelor of science in chemistry from Duquesne University, a master of science administration from the University of Notre Dame in Indiana, and a Ph.D. in higher education at the University of Michigan, Dr. Huber began her administrative career in Santa Fe, NM. There she served as the executive director of the Archdiocese of Santa Fe Catholic Foundation, distinguishing herself as a future leader.

From there, Dr. Huber moved to La Roche College in Pittsburgh, PA. Working as president of the college from 1981 to 1992, she helped to increase the enrollment by 47 percent and the gifts by an outstanding 1000 percent. Dr. Huber also created long-range planning and budgeting processes which helped in the redirecting of the mission of the college.

Throughout her distinguished career, Dr. Huber has been honored by a number of organizations, including Zonta International with their Status of Women Award.

Arriving at the College of Notre Dame, the first accredited all women's college in the State of California, Dr. Huber has drawn from her experience at La Roche College by developing a new master plan and creating new marketing and technology plans for the college that will be put into practice next year. She continues to strive towards the goals of preparing the students of Notre Dame to be better citizens, to be aware of the world and its affairs, to develop stronger characters and self confidence, and to build a sense of community among all the students.

According to its mission statement, the College of Notre Dame is "dedicated to the search for truth, the transmission of knowledge, and the appreciation of beauty." I am confident that Dr. Huber will devote herself to these pursuits, thereby making the College of Notre Dame the best it can possibly be.

Leading the College into its third century of existence, Dr. Huber's efforts to fulfill the goals of the College have already spurred growth in the college's many programs. Mr. Speaker, colleagues, please join me in wishing Dr. Huber all the best as she sets about her difficult but extremely important task of educating the leaders of our future.

TRIBUTE TO THE HONORABLE DION G. MORROW

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to a great jurist and an even greater friend, Los Angeles Superior Court Judge Dion G. Morrow. On October 23, 1995, Judge Morrow will officially step down from the bench capping a stellar judicial career spanning two decades. On October 19, 1995, at the Luminarias Restaurant, I will join in a retirement salute to Judge Morrow in recognition of his many distinguished years of service to Los Angeles' legal community. At this time however, please allow me to share this retrospective of his celebrated career with my distinguished colleagues.

A lifelong resident of Los Angeles, Judge Morrow was born on July 9, 1932, He graduated from Polytechnic High School and received his undergraduate degree from George Pepperdine University, where he received several awards for his gifted oratorical and debate skills. In 1957, he received his law degree from Loyola University School of Law, and was admitted to the California bar.

Judge Morrow began his legal career in 1957 as an attorney in private practice in the south central neighborhoods of Los Angeles. He practiced law for 16 years before moving to the Los Angeles City Attorney's Office in October 1973. From 1973 to 1975, he served as senior special counsel and assistant city attorney.

In October 1975, Judge Morrow was appointed to the Compton Judicial District by then-Governor Jerry Brown. Two years later, Governor Brown elevated him to the Los Angeles Superior Court. His early years on the bench were spent in the criminal court before becoming one of the first direct calendar fast track judges in the central district in October 1987. For the past 8 years, he has sat in the central district civil court.

Throughout his legal career, Judge Morrow has served as a mentor and educator to other aspiring attorneys. In addition to his busy judicial responsibilities, he has participated in numerous seminars and lectures for the California Judges Association, California Judicial Education and Research, the Rutter Group, and Continuing Education of the Bar. He has also served as an instructor at the National Judicial College in Reno, NV, and is currently an assistant professor at California State University, Los Angeles, where he teaches in the School of Criminal Justice.

Judge Morrow is also an active member of the John M. Langston Bar Association. During his long affiliation with this organization, he has served alternately as president, secretary, and as the first delegate from the association to the conference of delegates of the State bar.

For several years, he served on the California State bar disciplinary committee. In 1971 he served on the state bar resolutions committee, and in 1973 on the credentials committee.

Through his distinguished legal profession, Judge Morrow has endeavored to set examples of excellence both in the courtroom and around his community. He has worked steadfastly and selflessly behind the scenes nurturing, teaching, and cajoling those with whom he would come in contact to pursue the same standards of excellence.

I have been privileged to have him as my friend for over 30 years; it is a friendship that I cherished. Thus, it is a special honor for me to have this opportunity to salute the outstanding career of such an outstanding human being.

It is difficult to find the right words to properly convey the enormous contributions made by this outstanding jurist and humanitarian. Perhaps words expressed by the renowned Supreme Court Justice Louis D. Brandeis best capture the essence of Judge Morrow's contributions to the legal profession. Justice Brandeis noted that:

> There is in most Americans some spark of idealism, which can be fanned into a flame. It takes sometimes a divining rod to find what it is; but when found, and that means often, when disclosed to the owners, the results are often most extraordinary.

Dion, because of your extraordinary achievements and contributions to Los Angeles, we are all better prepared to confront the

challenges of the future. Although you have decided to pursue other challenges, including seeking that perfect hole in one, your contributions to Los Angeles' citizens and its judicial system will endure. As you set course in a new direction, you may do so secure in the knowledge that you have rendered esteemed, noble, and honorable service to your community.

Mr. Speaker, I am proud to salute my good friend Judge Dion G. Morrow. Please join me, his lovely wife Glynis Ann Morrow, and their children and grandchildren, in extending our heartfelt appreciation and best wishes for a wonderful future filled with good health, happiness, and much prosperity.

TRIBUTE TO SHARON BERKOWITZ

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in saluting Sharon Berkowitz, who will be honored at Shaare Zedek Medical Center's annual Women For * * * Save A Baby Luncheon on November 12, 1995.

Sharon Berkowitz has made immeasurable contributions to charities here in Los Angeles and in Israel. In Los Angeles, she has taken a leadership role in a wide variety of organizations affiliated with the modern orthodox movement, including the PTA of Harkham Hillel Hebrew Academy, Hadassah, and the newly formed organization for the assistance of newly married couples in difficult financial straits.

Sharon Berkowitz is best known for her long-standing work with the oldest medical facility in Israel, the eminently respected Shaare Zedek Medical Center. For years, Shaare Zedek has benefited from the many contributions of Sharon Berkowitz and her husband, Rabbi Jacob Berkowitz, Associate Rabbi of Beth Jacob Congregation of Beverly Hills.

In her work with Shaare Zedek, Sharon Berkowitz has focused her efforts on the medical center's renowned neonatology department, which is recognized worldwide for its pioneering treatment of low weight babies, babies with congenital birth defects, and babies from all over the region who require specialized treatment that is not readily available at other facilities.

Shaare Zedek's program for ill newborns has built bridges between Israel and her Arab neighbors. Through this program, Muslims, Christians, and Jews have been able to transcend their differences in the interest of saving babies precariously on the border between life and death.

I ask my colleagues to join me in recognizing Sharon Berkowitz for all of her charitable work, and especially her work with Shaare Zedek's Neonatology Department. The survival of the children treated there is often dependent upon her efforts and those of other humanitarian supporters of the neonatology program. I wish her many years of good health and success in all of her future endeavors.

"I DON'T CARE WHAT IT DOES—I LIKE THE CONCEPT"—WORDS OF WISDOM FROM THE MAJORITY LEADER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. STARK. Mr. Speaker, I would like to include in the RECORD the following column by Rick Horowitz from the Palm Beach Post of September 29, 1995, describing the House majority leader's comments on the flat tax proposal.

According to the columnist, the gentleman from Texas admitted that his taxes as a Member of Congress would be lower under his flat tax than under current law, but that personal gain was not his motivation in proposing a flat tax:

Rep. Armey insisted that personal gain wasn't the motivation for his plan; he truly didn't know who would do better or who would do worse, or even whether the plan was revenue-neutral or would lead to major funding gaps. In fact—well, these are the words he used:

I don't care what it does—I like the concept.

Mr. Speaker, that pretty much sums up the Republican agenda this year. I don't know what it does, but it is a new idea and we like the concept. You can see it in the medical savings account idea in the Medicare Reconciliation bill—which CBO insists will cost the program money, not save money like the ideologies of the right proclaim. You can see it in the Members who've introduced bills to permit more CFCs, because most of the world's scientists are probably wrong when they say CFCs are destroying the ozone layer. You can see it in the family cap in the welfare bill, because teenagers will quit having sex if you starve the babies they have.

Concepts are wonderful, Mr. Speaker. Too bad the real world awaits.

[From the Palm Beach Post, Sept. 29, 1995]

THE GOP REVOLUTION IN A NUTSHELL

(By Rick Horowitz)

Such a reasonable question—two questions, really. And such an interesting reply.

At last week's annual convention of the National Conference of Editorial Writers in San Antonio, it was conversation pretty much nonstop, with the occasional break for food and beverage, or to hear from some outside force with something to say: the majority leader of the House of Representatives for instance.

Dick Armey came home to Texas to share a meal, tell a few jokes, make a few points. He brought the latest news from Washington, where the dismantling of the welfare state was proceeding with vigor.

Rep. Armey methodically set out the accomplishments of the Republican Congress—the hardest-working, most effective, most revolutionary Congress in memory, he claimed—and the outlook for the closing days of the session.

He fired the requisite shots across the already listing Democratic bow. He talked philosophy. How the market, freed from government interference, can perform miracles. How, beyond a few insignificant exceptions, what a person earns in life squares almost exactly with how hard a person has worked. How, given their respective contributions to society, the high school football coach deserves to be paid more than the high school English teacher.

And he pushed one of his pet ideas: the "flat tax." Why should Taxpayer X and Taxpayer Y be treated differently by the IRS just because they earn different incomes? Let everyone pay the same rate—17 percent of wages, salaries and pensions, in Rep. Armey's version. People could figure their taxes in minutes. They could file their returns on postcards. What could be wrong with that?

Then came the post-speech Q&A—a clarification, here, a prediction there—and then one David Bowman was standing at an audience microphone. Mr. Bowman, the editorial-page editor of the Huntsville (Ala.) News, wondered if Rep. Armey might possibly tell the crowd how much he paid in taxes under the current laws. Rep. Armey, momentarily flustered, offered up an estimate.

Mr. Bowman then asked Rep. Armey whether he'd be paying more or less than that under his flat-tax proposal. Rep. Armey said he didn't know.

Was there a pocket calculator in the house? (Nope.) Could anybody divide his congressional salary by 17 percent? Finally, he grabbed a pen and did some quick math himself, right there on his speech text. And what do you know? Under the flat tax, his taxes would go down plenty—what a pleasant surprise!

As the giggles spread in the cheap seats, Rep. Armey insisted that personal gain wasn't the motivation for his plan; he truly didn't know who would do better and who would do worse, or even whether the plan was revenue-neutral or would lead to major funding gaps. In fact—well, these are the words he used:

"I don't care what it does—I like the concept."

Ladies and gentlemen, the Republican revolution in a nutshell. Concepts. Theories. A straight line on a piece of graph paper. Neat. Clean. Simple. Sterile.

In the real world—the messy, sloppy real world—"what it does" matters. "What it does" affects actual human beings, whether "it" is a new tax system or massive welfare reform, the overhaul of Medicare or the dismantling of environmental protections. Somebody might get hurt out here. Somebody might want to pay attention to that.

"I don't care what it does," says the majority leader of the House of Representatives. "I like the concept."

A TRIBUTE TO MRS. RUTH WOOD

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. TALENT. Mr. Speaker, I rise before the House today, to recognize a valued member of my staff who will be retiring this year. Mrs. Ruth Wood has provided me with dedicated service for over 4 years. Mrs. Wood was an instrumental member of my election team in my first campaign for Congress in 1992. After taking office in 1993, Mrs. Wood joined my congressional staff as a receptionist and as my military academy liaison. Mrs. Wood, who had previously served former Representative Jack Buechner, has provided my office with invaluable experience and professionalism.

Her work on the selection process of academy applicants has been outstanding. Her expertise in this area is unquestionable. Under her direction, 15 young people from my district received acceptance offers from the military academies in 1995. During her service with Representative Buechner, she had the distinction one year of placing more nominees in the service academies than any other House office. Her leadership in this area will be greatly missed.

Mrs. Wood has also distinguished herself with a lifelong commitment of service to the Republican Party. Her efforts to assist numerous local, State, and national candidates, stands as a testament to her unselfish dedication to promote leaders to public office which exemplify the qualities and values of our great party.

Again, Mr. Speaker, it is my honor to recognize her service to this institution, her country, and her community. I ask that we all join to offer our gratitude to Mrs. Ruth Wood for her many years of dedicated service to our Nation.

TRIBUTE TO BRYAN BALDWIN

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. SMITH of Texas. Mr. Speaker, I rise to pay tribute to Mr. Bryan Baldwin.

On Tuesday, October 24, 1995, Mr. Baldwin will be honored at the annual conference of the National Industries for the Blind (NIB) as the 1995 Peter J. Salmon National Blind Employee of the Year.

After nine years at the San Antonio Lighthouse, Mr. Baldwin, who has been blind since birth, teaches computer skills to the visually impaired, enabling them to obtain more technologically advanced jobs. He exemplifies self-determination, demonstrated by remarkable job growth and commitment to help others live independently.

After high school, Baldwin worked in a plant nursery. Six years later, he was still earning minimum wage and had no benefits. Married and ready to start a family, Baldwin decided to seek a higher-paying job with more benefits that would better use his education and skills. Baldwin applied for an assembler's position at the San Antonio Lighthouse and was hired in 1985. He has progressed from general assembler to machine operator to quality assurance lab technician and, finally, to his current position as computer trainer.

While a lab technician, Baldwin used computers to evaluate and document test results. He discovered that he had a natural talent and interest in how software programs could make many of his tasks easier. He bought a computer of his own and taught himself how to operate several programs. Encouraged by his supervisor, Baldwin then applied for a computer trainer position in a job skills training program at the Lighthouse's William Judson Career Guidance and Skills Training Center.

Through the Javits-Wagner-O'Day (JWOD) Program, Baldwin now has the satisfaction of helping other people who are blind. Baldwin has returned to school at Palo Alto Community College, is active in his church, and spends most of his free-time with his two daughters.

Baldwin says of his success, "I was totally surprised when I heard I had received this award. It makes me feel so good because I'm really just doing my job. I'm fortunate because every day I help other people like myself realize that there are so many options available to them."

TRIBUTE TO ST. LUCIE COUNTY FOR BECOMING FLORIDA LEADING CITRUS PRODUCER

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FOLEY. Mr. Speaker, today, I rise to pay tribute to St. Lucie County, FL, for becoming the State's largest producer of citrus products. I am exceptionally proud to represent the fine people of St. Lucie County and today, they are deserving of national recognition. Besides being the home of the State's most fertile citrus land, St. Lucie County is also the home of some of the best fishing on the eastern seaboard, a center of marine research, an excellent example of intermodal transportation, and a diverse group of people representing all areas of the country who are proud to call St. Lucie County, "home."

Mr. Speaker, many in Florida are unaware that agriculture is an extremely important component of the economy of the State of Florida. Florida is the largest agricultural State in the Southeast and the eighth largest in the Nation boasting annual farm cash receipts of $6.1 billion. In so doing it provides direct employment for more than 100,000 people and is an economic generator for an additional $18 billion in economic activity.

At the backbone of this economic activity is Florida's world famous citrus industry. Florida is the overwhelming producer of all citrus in the United States, accounting for more than 81 percent of the national total annually. In fact, Florida is the world leader in the production of grapefruit, accounting for 32.3 percent of the world's supply annually. The quality of Florida's fresh citrus products like grapefruit are world renown, especially those of the Indian River Region of which St. Lucie County is a part.

In 1994–95, St. Lucie County became the State leader in citrus production by producing 32.4 million boxes of oranges, grapefruit and tangerines. This is a real tribute to the 500 growers of the 108,488 acres of citrus and the hard working people in their groves, and the owners and employees of all the citrus related businesses. In St. Lucie County alone, citrus accounts for about $1 billion in economic activity for the county, while employing 20 percent of the county's work force.

Previously, St. Lucie County had already ranked as the number one county in grapefruit production in the entire Nation. Because of the soil conditions that prevail on the eastern seaboard of Florida, grapefruit from the Indian River Region is the finest available in the world today. And now, this high quality high value crop is finding its niche world wide with millions of cartons of fruit exported annually.

Mr. Speaker, the investment in citrus in Florida is a long-term investment, and the growth of the St. Lucie County crop is a credit to the perseverance of those who make the citrus industry the basis for their livelihood. Florida's citrus growers, producers, and workers persevere elements unique to south Florida that range from hurricanes to frosts. Their work is not a part of an overnight operation but rather a commitment to the entire community, economy, and industry. This is evidenced by a new processing plant and packing facility currently in the works, therefore, by the year 2000 the crop is expected to expand another 25 percent.

I would like to extend my congratulations to everybody in St. Lucie County, this is an achievement that the entire county can take pride in. On behalf of the entire county I encourage everyone to drink more grapefruit and orange juice as it has been scientifically proven to better your health and state of mind, and that is something we all could use.

OXAPROZIN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HASTERT. Mr. Speaker, today I will introduce a bill to restore some of the rights to market the non-steroidal anti-inflammatory drug oxaprozin, which were lost during the 21 years it took the Food and Drug Administration to approve this drug—a period that consumed the entire 17 years of the drug's patent life. This bill is necessary in order to remedy the unjustifiable delay in approving this important drug used to treat arthritis.

Oxaprozin, marketed by Searle under the name Daypro, was first patented in 1971, and an investigational new drug [IND] application was filed with the FDA shortly thereafter. Eleven years later, in August 1982, a new drug application [NDA] was filed, but FDA approval was not granted until October 29, 1992, over 21 years after submission of the IND application and over 10 years after the filing of the NDA. As a result of this delay, the patent for oxaprozin expired before Daypro could be brought to market.

While it is important that drugs meet Federal safety and efficacy standards, we should not lose sight of the fact that this review process comes at the expense of both those whose illness or suffering may be shortened or lessened, and at the expense of the rights of those to whom our laws have offered the incentives of patent protection for their investments. Patent protection is necessary for pharmaceutical manufacturers to recoup their extraordinary development costs so that they may obtain funds to reinvest into new and more effective products.

The bill that I am introducing today does not grant full recovery of the time that was lost while oxaprozin was under review; it does not grant half or even a quarter of that time. This bill provides for an additional 2-year period of protection for oxaprozin. This 2-year period is based upon a thoroughly documented review of FDA inaction during the time the oxaprozin

application was pending before the agency. I believe such relief is entirely fair, appropriate and equitable under the circumstances, and I urge my colleagues to support this measure.

TRIBUTE TO THE HARRISON POST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the final issue of the Harrison Post, Fort Benjamin Harrison's weekly newspaper that published its last issue on September 28, 1995.

The Harrison Post was established in April 1966, by Ferdinand Stauch, a veteran of "Merrill's Marauders," and has well served the information needs of the military community at Fort Harrison for nearly 30 years.

Due to the closure of Fort Harrison, most of the soldiers have departed, and it was inevitable that the Harrison Post would have to stop the presses. Throughout the base closure process, the newspaper maintained its commitment to excellence. The Harrison Post has won 27 awards for excellence in journalism, and is considered to be one of the most honored newspapers of its type in the Army.

Throughout its history, the Harrison Post has provided timely, accurate, and reliable information to the servicemen and women, retirees, and civilians that have made up the Fort Harrison community. I take this opportunity to salute the Harrison Post, and those who have served on its staff, for their contributions and service to the Nation.

MANY FEDERAL PROGRAMS ARE UNNECESSARY AND BURDENSOME

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. ORTON. Mr. Speaker, when I visited with residents of the Third Congressional District of Utah, I find that many want Federal programs streamlined and made more efficient. Many programs are unnecessary and burdensome. On other occasions, however, I am reminded that there are many Federal programs that make real differences in the lives of people and give us substantial return for the Federal dollar invested in them.

An article published in the September 27, 1995, edition of the Salt Lake Tribune highlights one such program in my district. West Valley City, UT, is one of five cities in the Nation to receive an Outstanding Community Service Award for its Green Thumb Senior Community Service Employment Program. The newspaper article spotlights the work of two senior citizens who are involved with the Green Thumb Program in West Valley City. The program clearly is helping these folks remain active and independent until they retire while at the same time making contributions to the community they live in. I would like to submit this article for inclusion in today's RECORD to pay tribute to this program, the senior citizens in West Valley City it is helping, and the city officials who take the time to be involved in the program and make it work.

Bunny Bowen works in anticipation of not having to work anymore.

She has plans for retirement: publishing her 2,000 poems, reopening a ceramics shop, getting back on the stage.

In the meantime, she answers phones for the West Valley City Police Department, logs reports, arrest information and protection orders into computers.

One of several West Valley City employees hired through the federally funded Green Thumb Senior Employment Program. Bowen, 62, praises her employer. "They go out of their way for us," she says.

West Valley City is one of five cities in the United States to receive an Outstanding Community Service Award for its Green Thumb Service Senior Community Service Employment Program.

Green Thumb was established in 1965 by President Johnson to hire retired farmers to work on the Nation's parks and highways. These days, the program provides job training to senior workers with household incomes less than $9,340. Workers earn minimum wage while they are trained and then have the option of working for the agency that trained them or seeking a job elsewhere. About 282 Utahans worked for Green Thumb last year.

West Valley City now employs five Green Thumb trainees and four graduates.

Ron Burris, area Green Thumb supervisor, says West Valley City does more for its elderly employees than most agencies by holding resume and interviewing workshops to help them learn the process of getting a job.

Like hundreds of Utah senior citizens, Bowen found herself in the financial gap between working and retirement. After 26 years of doing books for her husband's business, her experience was outdated and her Social Security income minimal.

"The job market's tough when you're older," Bowen says. "I was scared to death of computers."

Bowen eventually found work through Green Thumb and plans to work for two more years and then retire.

But not Claude Heiner. The 68-year-old former mining engineer has worked for the city for three years and does not see his job ending anytime soon.

Heiner started working for West Valley City after a car accident left him in a wheelchair unable to continue his consulting business. Now he manages the office at the city shops, taking complaints about road damage, snowplowing and dispatching drivers.

"This really wasn't what I wanted, but it gave me something to do besides sitting around the house," Heiner says. "I'll work as long as my health holds out."

REPUBLIC OF CHINA ON TAIWAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. ANDREWS. Mr. Speaker, the Republic of China on Taiwan, our firm and steady ally in the region celebrated its National Day on October 10. Its economic growth and political progress serve as the standard for other developing countries, and its commitment to human rights and democracy deserve our adoration. I ask my colleagues to join me in wishing Taiwan continued success in facing the many challenges that lie ahead.

While Taiwan has served as a role model for developing nations, it has been unable to participate in many international organizations. When President Clinton meets with President Jiang of the People's Republic of China at the celebration of the 50th anniversary of the United Nations in New York, the voices of 21 million people on Taiwan will be conspicuously unheard. Their duly elected government has been frozen out of participation in the U.N. by the PRC. We must seek to rectify this situation.

The United States should make clear to China that we respect the pursuit of reunification. But reunification through military action is totally unacceptable. The United States is bound by the Taiwan Relations Act of 1980 to seek a peaceful resolution to the Taiwan situation. Part of the solution may come from equal participation in international organizations.

When the United States moved to no longer recognize the ROC in exchange for the PRC in 1979, one of the reasons given was that the 1.2 billion people of China must have a vote. That same argument now applies to the 21 million people in Taiwan. I hope that the United States will not shy away from its responsibility to our long term ally.

STATEMENT OF MR. McCOLLUM AND MR. GONZALEZ REGARDING H.R. 2399

HON. BILL McCOLLUM

OF FLORIDA

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. McCOLLUM. Mr. Speaker, in response to some questions that have been raised, we want to clarify that it is, and has always been, our intent that all provisions of H.R. 2399, the Truth in Lending Act Amendments of 1995, that amend the Truth in Lending Act—including the increases in tolerance—apply solely to loans secured by real estate.

COMMEMORATING THE 50TH ANNIVERSARY OF WORLD WAR II

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. Speaker, I am proud to join my colleagues, our Nation's military leaders, distinguished veterans, and the host of family and friends who have assembled with us in the House Chamber this morning. I want to pay special tribute to those veterans who have journeyed from across the country to join us for this special joint meeting of Congress. Joint meetings are special events to mark historic moments in our Nation's history. Today's ceremony marks the closing activities of the

commemoration of the 50th anniversary of World War II. It is, indeed, proper and fitting that we gather for acknowledgement of this significant period in our Nation's history.

History reveals that World War II was the greatest and most destructive war in history. The war killed more people, destroyed more property, and probably had more far-reaching consequences than any other war in history. The war began on September 1, 1939, with the invasion of Poland by Germany. The United States entered the war in December of 1941, following the Japanese attack on Pearl Harbor.

Mr. Speaker, as we gather today to commemorate the 50th anniversary of World War II, we pause to honor the brave Americans who answered the Nation's call to service. We also honor those who lost their lives in the conflict. We know that families lost fathers, sons, daughters, and friends. We gather today to remind these families that their losses were not in vain. The war forever changed our Nation, signaling a renewed commitment to freedom and democracy. It is with the somber reminder of the valor and determination of our fallen comrades who fought for democracy that we gather today.

I want to take this opportunity to pay special tribute to my colleagues in Congress who are veterans of World War II, including those who are highlighted on today's program—Representatives, HENRY HYDE and "SONNY" MONTGOMERY, and Senators DANIEL INOUYE, STROM THURMOND, and Senate Majority Leader ROBERT DOLE. As a veteran of World War II, I take pride in being included in the ranks of these brave patriots who united in service to this country a half-century ago.

Mr. Speaker, I am proud to have some of the members of my family join me for today's commemoration ceremony, including my wife, Jay, my daughter, Lori, and my granddaughter, Nicolette. My young grandson, Brett Hammond, is also here with me. As I look at Brett and Nicolette, it is my feeling that we fought a war many years ago, so that perhaps members of their generation will be able to enjoy peace. As we move forward, let us do so with the strong hope that World War II will, indeed, become known as the last world war. Let this be our commitment to our children, our grandchildren, and our brave comrades who have passed on.

TRIBUTE TO A YOUNG LEADER: MR. LARRY CHAMPAGNE III

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. CLAY. Mr. Speaker, I am sure that by now most of our colleagues have either read or heard about Mr. Larry Champagne III, the young hero who saved his schoolmates and bus driver when he brought their swerving school bus to a halt after the driver suffered a stroke at the wheel. I am proud to say that Mr. Champagne is one of my junior constituents.

More importantly, I want to call young Larry's story to the attention of our colleagues because his act of courage is one of the many wonderful and dynamic things our young people are doing today. Contrary to popular belief, Larry Champagne and his schoolmates are among the 98 percent of young Americans who are doing the right thing. They are the young leaders who are studying hard, obeying authority, and making small but positive contributions to their communities. They are the unsung heroes of the 90's.

I submit to our colleagues the October 6, 1995 St. Louis Post Dispatch article about Larry Champagne. It is my hope that his story will touch their hearts, as it did mine, and inspire some confidence in young Larry's generation. Then, I offer our colleagues the challenge of doing everything within their power to protect the programs that young Larry and his peers will need to fully develop the leadership talents they displayed on October 5, 1995.

[From the St. Louis Post Dispatch, Oct. 6, 1995]

PEACHY—BOY HERO CELEBRATES CELEBRITY

(By Carolyn Bower)

Ten-year-old Larry Champagne III got pulled from class repeatedly Thursday to talk with national radio and television reporters.

But Larry was coping with his sudden celebrity status.

"I'm OK," he grinned outside Bellerive School in the Parkway School District. "I'm peachy. I'm carrots and peas."

Larry, a fifth-grader, became a hero after he stopped a school bus on U.S. Highway 40 near Sarah Avenue in St. Louis Tuesday after the bus driver suffered a stroke. The bus has been going about 55 mph.

Larry is credited with saving himself and 17 other students from serious injury. The bus driver, Ernestine Blackman, was in serious condition Thursday at Barnes Hospital.

On Thursday afternoon, Bellerive's 460 pupils filed into the school gym for an assembly to honor Larry and the other students. In sweet, high voices, the students sang a song about making a difference, taking a risk and becoming the voices of hope in the world.

Said principal Ken Russell: "We are here to honor the students on Bus 3 for their courage, wisdom and bravery in the face of danger. * * * You were good listeners. You were helpful. You are heroes."

The students were on their way to school from their homes in St. Louis Tuesday morning when they heard cars honking and felt the bus swerve and hit a guardrail.

Then they saw Blackman fall from her seat. Larry made his way to the front, grabbed the steering wheel and stomped on the brake, stopping the bus. A pickup plowed into the bus.

Then Larry and five other students helped the bus driver, got the door open and summoned help.

Russell gave Larry a stack of newspapers and a framed copy of a front-page Post-Dispatch story about Larry.

School officials presented the Bus 3 students with medallions on red, white and blue ribbons.

Walle Amusa, and aide to St. Louis Mayor Freeman Bosley Jr., read a message from Bosley and invited the children to meet the mayor next Wednesday. The mayor's message said: "I am very proud of you. It is great to know that we have young people like you who are level-headed, responsible, courageous and humble."

Tim Stieber, a division manager for Mayflower bus company, gave Larry a billed hat, a bus driver's jacket, commendation and $100 gift certificate to Toys 'R' Us.

The television program "A Current Affair" filmed the assembly.

In addition to local news organizations, Larry has had interviews or inquiries from NBC, CBS, USA Today, National Public Radio, Time Magazine for Kids, the Associated Press, United Press International, CNN in Los Angeles, Paul Harvey, David Letterman's show, the "Today" show, the "Tonight Show" and radio stations in Boston, San Francisco and Utica. Charles Osgood wrote Thursday's "Osgood File" rhyme about Larry.

Larry's relatives said the attention at first drove him to tears, but he bounced back.

His grandfather Lawrence Champagne, said: "Larry didn't want to be a hero, but now he's jumping in with both feet and dealing with it."

The grandfather said Larry's actions had lifted the family's spirits just weeks after Larry's father, Lawrence Champagne II, was stabbed to death in St. Louis.

"My son may have lost his life, but his son has saved lives," the grandfather said. "This is a memory we'll cherish forever."

THE DEPARTMENT OF STATE, AMERICAN JOBS AND FOREIGN LOBBYISTS

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mrs. SMITH of Washington. Mr. Speaker, I rise today to let the American people know how Government has really operated in Washington for far too long. For the past several months I have been working in a bipartisan manner with my colleagues in the House and Senate from Washington State, Oregon, and California to address a serious issue. American men and women in the longshoreman's trade are being displaced by foreign workers because our own State Department's rule interpretations strongly favor foreign workers despite Congress' efforts to protect American workers in a trade where half of their jobs have disappeared in the last decade alone.

It's not bad enough that our State Department is failing to protect American jobs but they have ignored Congress' charge to update their annual rule interpretation list for almost 2 years. So let's see, not only does our own State Department favor foreign workers but now they ignore Congress' instructions as well. But wait Mr. Speaker, it gets better!

Now I have discovered that after fourteen other Members of the House and Senate joined me in writing to Secretary Christopher about this problem a mid-level bureaucrat in the Transportation and Economic Section of the Department of State decided he would call foreign ship owners to let them know they too should be concerned about this issue. Yes. We have a State Department official calling foreign lobbyists as if he had been retained to be their personal agent. Whose State Department is this anyway?

But just when I think it could not get any worse I find out that the State Department has agreed to be lobbied by foreign vessel owners and operators so that they can continue to discriminate against American workers. Their concern? It is that the profit margins for foreign vessel owners and operators will be cut.

So let's review what has been going on in our State Department. First, State promulgates rules which discriminate against American workers in favor of foreigners. Second, State ignores the law and defies Congress' charge to produce annual reciprocity lists for almost 2 years. Third, a State Department official takes it upon himself to be the agent for foreign lobbyists by calling foreign ship owners and operators to protect what amounts to be corporate pork for foreigners doled out by our State Department. Last, as if notifying foreigners that their sweet deal may be in danger is not enough, the United States Department of State decides to meet with foreign lobbyists so that their concerns can be made a part of the official State Department evaluation.

While some have asked me which American worker needs to fear our State Department next the real question Americans must ask themselves is "How much does it cost a foreign interest to have the Department of State act as your lobbyist?" The obvious answer, the livelihoods of thousands of American men and women in the longshoreman's trade.

CONGRATULATIONS ELECTRICIAN'S MATE FIRST CLASS, SUBMARINE SERVICE RICHARD CRISP

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. POSHARD. Mr. Speaker, I rise today to congratulate Electrician's Mate First Class, Submarine Service Richard Crisp who will retire from the United States Navy on December 31, 1995. Richard entered the Navy on May 30, 1973 and has served his nation faithfully.

During his time in the United States Navy, Richard has distinguished himself as an extraordinary member of our armed forces. He has been awarded the Submarine Service Designation, the navy Achievement Medal 2nd Award, the Meritorious Unit Commendation 2nd Award, the navy Recruiting Award, the Coast Guard Special Operations Ribbon, the Sea Service Ribbon, and the Deterrent Patrol Insignia 2nd Award.

Mr. Speaker, Richard Crisp has proven himself to be a faithful member of the United States Navy. His 20 years of loyal service is greatly appreciated, and I wish him the very best as he enters retirement.

ALTERNATIVE MEDICARE BILL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. VENTO. Mr. Speaker, I recently cosponsored H.R. 2422, the Medicare bill offered as an alternative to the Republican Medicare plan. I am cosponsoring the bill because I believe that it is important for Democrats to offer an alternative plan to the Republicans' massive, unnecessary, and unjustified cuts.

H.R. 2422 cuts approximately $90 billion from Medicare over the next 7 years instead of $270 billion of cuts claimed by the Republicans. The trustees of the Medicare trust fund have stated that reducing Medicare by $90 billion would extend the solvency of the trust fund without the prospect of a shortfall and maintain as sufficient a balance as has upheld the Medicare trust fund for the past 30 years.

Although H.R. 2422 is a significant step in the right direction, I do, however have concerns about some provisions which could significantly reduce provider reimbursement rates. Reducing these rates in States such as Minnesota where reimbursement rates are already low may have an unintended negative consequence. Still, we need alternatives to the Republican bill, and this measure serves as such an alternative.

The Medicare payment disparity that persists today between States should be addressed. The changes being advanced by reduced payments tend to highlight this difference but are not the genesis of the problem. That is, the low reimbursement rates for select States that have achieved significant cost savings are locked into place and become compounded by the policy changes being advanced.

CELEBRATION MARKS MORE THAN AN ANNIVERSARY FOR TAIWAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. ACKERMAN. Mr. Speaker, October 10 marks the anniversary of the birth of the Republic of China [ROC]. On this occasion, I wish to send my greetings and congratulations to the leaders on Taiwan, and especially President Lee, whom I have had the good fortune to meet with both in Taiwan and in the United States.

When President Lee of Taiwan came to Cornell in June, I had the opportunity to talk with him and discuss Taiwan's relationship with the United States. He thanked me for the incredible congressional support he had received prior to his visit, and reiterated his people's strong respect for the United States. He reaffirmed our bilateral friendship, and the desire of Taiwan to continue that friendship into the next century.

Taiwan is and has been a loyal ally and trading partner in Asia. Its people participate in and fully subscribe to the principles of freedom and democracy. They have worked with us on issues ranging from endangered species to trademark infringements. They look to us for guidance and protection.

President Clinton will be meeting with President Jiang at the occasion of the 50th anniversary of the United Nations. It is ironic that the two Presidents will meet in honor of the United Nations, a body in which the 21 million people of Taiwan have no voice.

I ask my colleagues to join with me in urging President Clinton not to enter into any agreement which would further restrict our ally Taiwan, or compromise its growing democracy. Better relations with the PRC must not come at the sacrifice of the 21 million people on Taiwan who must depend on us to defend their interests.

The October 10 celebration should mark the continuance of the friendship between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

BOLEY'S 25TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. YOUNG of Florida. Mr. Speaker, this month the city of St. Petersburg and the county of Pinellas will be honoring the Boley Centers for Behavioral Health Care, Inc., on its 25th anniversary, and I, too, want to commend this organization and its founders led by Mary R. Koenig on this occasion.

The mission of the Boley Centers is to provide our community with comprehensive services for those with mental illnesses. Through its rehabilitation programs and a network of community residences and apartments, Boley Centers has helped thousands of disabled residents of St. Petersburg and Pinellas County. The vast majority of Boley Centers' clients have been integrated into the community without the need for any additional hospitalization, and this has meant a considerable savings to the State and the county and speaks highly of the staff and services provided by Boley Centers.

As one who has worked to help secure Federal funding for several of Boley Centers' resident complexes, I believe its clients are fortunate to have this outstanding program available to them in our community, and on this its silver anniversary, I salute Boley Centers, its Boley Angels, and the scores of others who have helped make Boley Centers one of the finest programs of its kind in our country.

HAPPY ANNIVERSARY TO THE YWCA OF WESTERN NEW YORK

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. LaFALCE. Mr. Speaker, I would like to recognize today the history and achievements of the YWCA of Western New York, which is celebrating its 125 anniversary on October 27.

The YWCA has a distinguished tradition of service to women, to Western New York, and to this country. The Western New York YWCA was founded in 1870, only 15 years after the founding of the national YWCA. The Western New York chapter lost no time in making its mark on the community.

One of its earliest efforts was to coordinate charity work in Buffalo. The coalition of charities it organized has lasted to this day, evolving into the present-day United Way. Other local organizations with roots in the YWCA are the Urban League, the Business and Professional Women's Clubs, and the Travelers Aid Society.

The Western New York YWCA has made its strongest mark on family and women's issues.

It began child care and "well baby" programs early on, and it now operates the largest licensed after-school day care program in the region, along with other family support programs such as one for at-risk teens.

It has focused on assisting women in entering and advancing in the workplace—from recruiting women into necessary defense jobs in the Second World War to its current Leadership Development Program which encourages and prepares women to enter jobs traditionally held by men. The YWCA also runs a transitional housing program, which helps women in trouble to get back on their feet. It even runs a monthly cable program, called "Womanworks" which focuses on modern women's issues.

Of course, the YWCA also offers a wide range of fitness programs, on which many families in the community have come to rely. These programs include everything from youth sports to a special exercise program for people with arthritis.

Aside from its distinguished tradition of community service, the Western New York YWCA has made its mark on American history. For example, in the 1950's—a time of intense racial tension—it named Mary Wood as Executive Director; the first African-American YWCA executive in the country. At one time, it counted among its members Presidents Millard Fillmore and Grover Cleveland. In fact, the downtown building of the Western New York YWCA is at the site of the home of President Fillmore.

Mr. Speaker, the YWCA certainly has earned our recognition and appreciation as it marks 125 years of service to the region and the country. I congratulate this organization for carrying on in its superb traditions by continuing to provide the Western New York community with critical support programs, and I hope that it will celebrate many great anniversaries in the future.

HOLDEN SALUTES WORLD WAR II VETERANS

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HOLDEN. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to our World War II veterans as we commemorate the 50th anniversary of World War II.

We stand here today because of the sacrifices and efforts of those people who fought and gave their lives for freedom.

Countless soldiers, sailors, and airmen, gave their lives at places like Midway, Normandy, Anzio, Bastogne, and Okinawa, so that we could enjoy the blessings of liberty.

There were many heroes worthy of our recognition and praise. I am proud that one of those heroes is from my district, and is here with us today.

It is my great pleasure that Capt. Jim Burt of Wyomissing, PA, is here with us. Captain Burt is an Army veteran and a Congressional Medal of Honor winner.

Captain Burt risked his life in heavy fighting near the city of Aachen in Germany. Despite being wounded early in the fighting, Captain Burt led his troops for more than 8 days until victory was won.

I would like to thank Captain Burt, and all of the men and women who fought and gave their lives to preserve our freedom.

You answered the call of duty, and we thank you for all that you have done for our great country.

Mr. Speaker, I ask all of my colleagues to join me in honoring these fine men and women.

SALUTE TO OAKLAND PRIVATE INDUSTRY COUNCIL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. DELLUMS. Mr. Speaker, I rise to honor the Oakland Private Industry Council. The city of Oakland has truly benefited from this organization. The Oakland Private Industry Council should be applauded for actively promoting job training and placement of the economically disadvantaged.

The Oakland Private Industry Council is nationally recognized for its creative development of nontraditional employment and training programs. Just recently, a $1.2 million grant from the State of California was awarded to the council. These funds will provide retraining for civilian workers displaced by the closure of the Oak Knoll Medical Center. These persons will be provided with critically needed skills for high demand occupations.

Governor Pete Wilson has commended the Oakland Private Industry Council 4 consecutive years for making an outstanding contribution to the development of Oakland's work force. Each year the council has exceeded its established performance goals.

This year the council again honors its service providers which have exceeded their established performance goals and their business partners who assisted them.

I join in saluting the Oakland Private Industry Council and this year's honorees. In recognition of their dedicated and professional service to Oakland's economically disadvantaged population, I would like to commend the Auto Parts Club, Youth Employment Partner Inc., Federal Express, Career Resource Center, Port of Oakland, Berkeley Adult School, Oakland Neighborhood Center, and the Vietnamese Fishermen Association.

Today, I pay a special tribute to the Oakland Private Industry Council for its continued hard work and dedication to the community in providing employment and training services for our city.

50TH ANNIVERSARY OF THE END OF WORLD WAR II

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HAYWORTH. Mr. Speaker, as we celebrate the 50th anniversary of World War II, I want to honor an Arizona National Guard Unit, the 158th Regimental Combat Team [RCT] or "Bushmasters" as they called themselves, which fought in the Pacific campaigns. When the war ended, they had spent 4 years overseas, 312 days in combat, and suffered approximately 1,600 casualties in three campaigns. While they went unnoticed with the public, they were recognized by the Commander of the Army in the Pacific, Gen. Douglas MacArthur. The Bushmasters had earned three campaign streamers with two arrowheads, a Presidential unit citation, and the unending praise from General Douglas MacArthur. He proclaimed: "No greater fighting combat team ever deployed for battle."

Arizonans already knew what General MacArthur discovered about the Bushmasters because they were our soldiers. They were our husbands, our fathers, and our sons. They were citizen-soldiers who came from cities such as Phoenix and Tucson, from the many Indian Nations in Arizona, from the mining communities of eastern Arizona, from the timber and railroad towns up north, and from the ranch country in the south.

Before World War II, the Bushmaster Regiment already had a colorful past. The unit charged up San Juan Hill with Teddy Roosevelt's Rough Riders, secured the border when Poncho Villa raided the border towns, and fought in France during World War I. Arizonans had many reasons for joining the unit. Some of them joined for the camaraderie. Some joined because the unit was colorblind and it gave them dignity and equity that they did not have in civilian society. The unit had some of Arizona's more famous people come through its ranks, including the late Senator Carl Hayden and Pima Indian Chief Antonio Azul.

When the Bushmasters reported for Federal service, they proved their value during the Louisiana maneuvers in 1940. The regimental commander Col. J. Prugh Hernadon, a bookkeeper from Tucson, tried a new form of communication with his radios. He had native American members of his unit transmit messages in their native languages to keep the enemy from intercepting their radio transmissions.

The Bushmasters performed so well that the Army shipped them to the Panama Canal Zone shortly after Pearl Harbor was attacked. They were given the task of defending the canal from sabotage. A year later General MacArthur personally requested the Bushmaster Regiment to help him capture the island of New Guinea from the Japanese. In January, 1944, the 2d Battalion, under Lt. Col. Frederick Stofft of Tucson, were the first soldiers of the Bushmaster Regiment to enter combat.

The Bushmasters developed a reputation for their fighting skills. In the Philippines Capt. Bayard W. Hart, a Cherokee Indian, and his men of Company G from Safford, AZ, were awarded the Presidential unit citation for capturing a Japanese gun emplacement without a loss of life to his men. In Dutch New Guinea, they beat the battle-hardened Japanese Tiger Marines. Shortly after the battle they became feared by their enemy. Japanese shortwave broadcasts referred to them as "the butchers of the Pacific" for the rest of the war. It was

no surprise to the Bushmasters that they were selected to lead the assault of the invasion of Japan.

When the war ended, the Bushmasters returned home to Arizona, going back to the lives they had known before the war. They may have come from different cultures, spoke different languages, and grown up in different traditions, but they fought for the values they all shared as Americans: freedom, democracy, and justice.

Mr. Speaker, Americans can best remember their sacrifice by striving to live by those values that they were so willing to fight and die for.

OMNIBUS BILLS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 4, 1995 into the CONGRESSIONAL RECORD.

FEDERAL GOVERNMENT REFORM

The operations of the federal government have received enormous scrutiny recently. Many Americans saw the last election as a call to dramatically reduce the size and scope of the federal government. The House of Representatives has responded by passing bills to place limits on government regulations, and will soon consider measures to eliminate entire government agencies.

But in the midst of all the high-profile activity, less sweeping but important changes have been made to help government work more efficiently. The challenge before us is to determine what we want the government to do, and make sure that it does the job well.

Reinventing government: Two years ago, Vice President Gore came forth with recommendations for reforming the way the federal government operates. He recently detailed the progress that has been made on implementing these recommendations.

Last year, Congress passed legislation to cut 272,000 federal employees. So far, 160,000 have been cut. There are now fewer federal employees than there were when John F. Kennedy was president. Furthermore, federal agencies have closed more than 2,000 field offices.

In addition, 16,000 pages of regulations have been eliminated, and 31,000 are being reworked—resulting in an estimated savings to the public of nearly $28 billion. For example, the Environmental Protection Agency has either cut or changed 85% of its regulations, thereby cutting its paperwork requirements by 25%. These changes are estimated to save industry 20 million hours of labor a year. The Department of Housing and Urban Development has eliminated 65% of its regulations; the Small Business Administration, 50%.

But just as important as cutting back on the size of government is making it work more effectively, and progress is being made on this front as well. Earlier this year, a national business magazine evaluated a number of businesses' telephone customer service. The magazine gave its highest rating to the Social Security Administration, which outperformed companies such as Southwest Airlines and L.L. Bean. the IRS has also significantly improved its telephone service, and has pledged to cancel penalties for taxpayers who are given incorrect information.

Congress has acted to improve government efficiency as well. A law enacted earlier this year makes it more difficult for the federal government to impose unfunded mandates on state and local governments. Congress also strengthened a law to lessen the paperwork burden imposed by the federal government on businesses and individuals.

Both the House and Senate have passed bills which would place limits on federal agencies' power to issue new regulations and require them to perform detailed cost-benefit analyses before new rules could usually be issued.

There is wide agreement that the federal procurement process is much too cumbersome, time-consuming and wasteful. The House recently passed a bill to dramatically streamline the process and make it more competitive. In addition, many federal agencies and the House now allow employees to make some purchases like businesses would—at the local office supply store. As the procurement process becomes more efficient, government agencies will have less need for warehouse space for large inventories. Walter Reed Army Medical Center in Washington used to need seven warehouses to store its supplies—now it uses half of one. The House recently sold off thousands of unneeded office furnishings, eliminating the need for warehouse space that cost $245,000 a year.

Outlook: Many Hoosiers feel frustrated, irritated, even angry about the hassle and the inflexible rules they often find in the federal government. They rightly are demanding change. Having watched the private sector streamline and become more productive and lower costs, Americans know that the federal government must go through the same passage of change. Quite understandably they have a strong skepticism that it can be done.

There is a lot of discussion today about what the federal government's role should be, and I think that is good. My concern is that the debate is sometimes too simplistic, with the "get rid of it all" school on one side and the "government as national nanny" school on the other. Some people argue that the way to fix the federal government is to eliminate as much of it as possible. My sense is that most of us don't want to get rid of government; we want to limit it and make it effective. We want government to make sure that our meat is safe to eat and that the skies are safe for air travel; to aid communities in recovering from the ravages of natural disasters; to insure our savings if our bank fails, for example. We want to see a government that moves us toward meeting our nation's common goals, that recognizes people are its customers and gives them their money's worth. We want a government that recognizes that most people are neither crooked nor stupid and want to do the right thing so long as the right thing makes sense to them. They want to see a government that cuts obsolete regulations, rewards results, and negotiates and seeks consensus rather than dictates.

We need to do some hard thinking about what it is we want government to do and how we want it done. Our quest must be to reduce the cost and simplify the operation of government while maintaining essential programs and functions. We need to design a government that uses common sense to solve problems. We must stop doing things that government doesn't do very well and that don't need to be done by government. Where government can make a positive difference in the lives of ordinary Americans it must be made to work more efficiently and effectively.

Those of us in government must convince people that we are serious about limiting government and making it work better. This effort must become a way of life for all of us. It is a task that is never finished. As the world has become more complex so has the federal government. Too often it has become more master than servant. That is what has to change, and that's what reinventing government is all about.

TRIBUTE TO LINCOLN UNIVERSITY OF PENNSYLVANIA

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. WALKER. Mr. Speaker, I am honored to be able to congratulate Lincoln University of Pennsylvania, America's first college for African-Americans, which will bestow honorary doctoral degrees on the President and First Lady of the Republic of Ghana, His Excellency Flight Lieutenant Jerry John Rawlings and Nana (Mrs.) Konadu Agyeman-Rawlings.

It is fitting that President Rawlings of Ghana—the first African nation to gain independence from Europe—should receive his first honorary degree from the United States' first college for African-Americans, a college that is named after the author of the Emancipation Proclamation.

In fact, Lincoln University has longstanding ties to the Republic of Ghana. The first President of Ghana, Dr. Kwame Nkrumah, graduated from Lincoln University with a bachelor of arts degree, cum laude, in 1939 and a bachelor of sacred theology degree in 1942.

Dr. Nkrumah later received an honorary doctorate from Lincoln University, as did His Excellency Alex Quaison-Sackey, Ghana's first Ambassador to the United Nations. The first American Ambassador to Ghana was also a Lincoln graduate, His Excellency Franklin H. Williams, class of 1941.

President Rawlings is a leader both in Ghana and the world community. Under his leadership, Ghana has enacted the difficult economic reforms that lead to short-term hardships but long-term prosperity. With consistent economic growth, Ghana now serves as a model for African and other nations that are moving into the developed world. In addition, President Rawlings is a passionate advocate for American involvement—at the governmental and nongovernmental levels—in African affairs.

First Lady Agyeman-Rawlings has also displayed outstanding leadership qualities. She is the founder and president of the 31st December Women's Movement, a group advocating the empowerment of Ghana's women. In addition, the First Lady is a recipient of the African-American Institute's coveted Star Crystal Award for her work with women's groups.

Mr. Speaker, let me again congratulate Lincoln University on this important occasion. I am very proud of the accomplishments of this fine institution.

REMEMBERING ALL THOSE WHO SERVED IN WORLD WAR II

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Ms. KAPTUR. Mr. Speaker, today in this joint session of Congress commemorating the victory of freedom in the 20th century, as we remember and honor all those who served in World War II, I want to introduce to the House a veteran, a woman, a pilot who served as a Women Airforce Service Pilot, Lois M. Nelson of Ohio's Ninth District. Lois is a remarkable woman. A pilot before joining the service, she flew our B–17s, B–24's and many other planes from the factories to the front where they could do some good. She also flew planes that had been on the front back to the repair hangers and recalls "you could smell the odor of combat on them; you knew where they had been." Lois and the more than one thousand other Women Airforce Service Pilots performing an invaluable and, unfortunately often overlooked, service in America's war effort. Let us remember them today. Lois represents all veterans from our community who are being commemorated here. Her life reminds us all of the treasured values of duty, honor, and country.

Last August 26, the citizens of Lucas County held a ceremony establishing our community as a World War II Commemorative County. That commemoration was graced with Lois's poignant remarks, and I ask that those remarks be printed at this place in the RECORD on the occasion of the 50th anniversary of the Allied Victory.

As a Nation, and as a people, we are always available to celebrate war. Flesh against flesh, blood against blood, and steel against steel. We mark with pride the winning of war, but with our ego centered on victory. Equally we turn our collective back on war if there is no winner.

Turn back to the ending of the war in Korea. Remember that February day when Viet Nam released and returned prisoners, was it victory when Gerry Denton stepped off the plane and held Jane in his arms for the first time in over seven years? It was for Denton, but not for America.

We celebrate victory perhaps, because we have never learned to celebrate peace.

When I came home to Tucson after my time in the service of my country, my road was perhaps different from yours, and yours, not because I am a woman, because no sooner was the ink on my separation papers dry—than I was, along with so many other women, lost in the bright light of victory in Asia and in Europe.

My return raised more eyebrows than salutes. The question of patriotism lost in the questions. A widow at 20, a reason, perhaps. A call to do what was needed to be done, a need to compete, anything you can do—I can do better. Or was it a legacy of generations of soldiers and sailors—a bloodline.

An uncle in South Africa and winning the Victoria Cross—dead in the Battle of the Marne in France. Cousins in the Battle of Normandy and in the landings in the Pacific. A brother in the North Atlantic on the run to Murmansk in Russia. Are my genes less willing? Willing to take the oath. Any less willing to work for victory? Parades! Celebrations! And perhaps—thanks for the peace.

But no parades, no thanks, only the challenge that comes from the feeling, as soon as I took off that uniform, put my wings in a drawer and visited my mother's grave; that I was overcome by the feeling, my service had stepped into the glare of challenge, and somehow, never cast a shadow.

Like many other women who answered the call, heard the challenge, we marched home to the sound of muffled drums and vanished. Over the past few years the drums have picked up the beat. Was it Desert Storm? Or was it the women in gun ships, on bomb runs. Or was it the shadow of the women in the 1940s who hit the flight lines running—who heard the call.

Was it my cousin who, as a nurse, led the children into safe haven from the bombing in Liverpool. Or was my cousin who commanded an ack ack battery near Dover and who met the ragged convoy coming from France and to find her badly burned brother in those wounded.

My challenge to myself, and to you today, will be to pledge to volunteer for peace. To extend that hand that covers your heart and reach out to help. Help the fallen and the falling. To steady the step of those who have lost the way. Take the time to share—time—with those who have only the memory of other times. To wage a war for peace!

Hear again the call to volunteer—when you raise your right hand to pledge your life, your energy, your compassion to win the peace.

As veterans we share a common thread of willingness to be counted. Our Nation is calling on you again to be counted. Get out of the back row and step up front. Into the front lines, get the facts. Get the ammo of involvement and get off your fences and fight for the right to be an American. A nation that shows the way with people—not with the gold of treasury—the strength of industry—but a people who are celebrating peace—hearing and healing.

I am proud of my American birth, I must also thank the warriors my family gave me in my heritage. A heritage I pledged for war and continue to pledge—again—for peace.

My husband, of only four weeks, name is on this monument. I honor his name and will not forget his sacrifice.

TRIBUTE TO JASON CHAO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. KING. Mr. Speaker, I am proud to rise in tribute to Jason Chao who is leaving the Taipei Economic and Cultural Representative Office in Washington, DC, after many years of outstanding service.

J.C., as he is known by his many friends, has been an outstanding representative and advocate for the Government of the Republic of China in Taiwan. He has established strong professional and personal relationships with many Members of this body who greatly admire his integrity and ability.

Over the years Taiwan has become an economic superpower and a model democracy. It is because of the efforts of people like Jason Chao that Taiwan has been able to make these great strides.

J.C. now returns to his native Taiwan to pursue a career in the media. While I certainly wish him well in his new career, I also look forward to the day he returns to Government service so that he can continue to strengthen the ties of friendship between Taiwan and the United States.

ENDING GENDER BIAS IN THE CLASSROOM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mrs. SCHROEDER. Mr. Speaker, I would like to congratulate the Women's College Coalition and the Ad Council for launching the first-ever public service campaign promoting girls' achievement in school. In light of recent cutbacks in programs that encourage gender equity in the classroom, such as the elimination of programs administered by the Women's Educational Equity Act, it is becoming increasingly important for groups such as these to pick up where we, as legislators, have left off.

The campaign's call to action, "Expect the best from a girl and that's what you'll get," should soon become as familiar as other slogans the Ad Council has coined, such as "take a bite out of crime" and "a mind is a terrible thing to waste." The campaign features four real-life role models for girls who tell their stories of personal achievement via television, radio, and print ads and promote public awareness of the gender bias against girls. The ads urge teachers, parents, and adolescent girls to get involved in the sciences and math, the basis for the careers of tomorrow. And they tell girls that it's cool to speak up in class. They call on parents to buy their daughters chemistry sets instead of tea sets.

I commend these two groups for investing in the development of tomorrow's leaders and for showing such a strong dedication towards achieving equality.

HELP FOR THE NATIONAL PARK SERVICE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HANSEN. Mr. Speaker, I am today introducing a bill which will help to depoliticize and professionalize the National Park Service. My bill will accomplish this by establishing a 5-year term for the National Park Service Director and by making the Director subject to Senate confirmation.

Mr. Speaker, at the beginning of the Clinton administration, there were stories indicating that a movie star and television actor were being considered for the position of Director of the National Park Service. While those stories indicated that such persons were being considered because the agency currently faces a morale crisis, I would suggest that it will take more than selection of a celebrity as Director to resolve those problems. In fact, selection of someone whose major qualification is that

they have visited national parks since childhood, but who have no prior experience in Federal land management issues would in my opinion be adverse, not beneficial, to the agency and employee morale.

The media has also been replete with stories about how key slots in this administration are being selected. According to some reports, ethnic diversity, gender, and political paybacks are being considered just as much as qualifications in the selection of key positions within the administration. In my view, this is wrong.

My bill would address this problem by setting professional standards as the basis for selecting the Director of the National Park Service. It would further ensure that the National Park Service is able to develop and carry out its programs in a professional manner by isolating the appointment of the Director from the Presidential election cycle.

Currently, the heads of the Bureau of Land Management and Fish and Wildlife Service are subject to Senate confirmation. The Forest Service, has throughout its history been headed by a career professional, until the recent politicalization of this position by the Clinton administration. While the Senate confirmation process has in recent years focused too heavily on factors unrelated to the qualification of an individual for a particular position, overall I believe this process has merit and can see no reason for the current double standard in the selection of heads for the land management agencies.

Therefore, I hope my colleagues will join me in supporting this important measure.

A TRIBUTE TO COL. ERNEST R. ZUICK

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FAZIO of California. Mr. Speaker, I rise today to honor Col. Ernest R. Zuick, who will retire from the California Air National Guard on November 1, 1995, after completing a long and distinguished career of more than 37 years of service to our Nation, including 13 years service as an adjunct staff member of the Reserve Forces Policy Board in the Office of the Secretary of Defense. I want to take a few minutes to highlight some of his accomplishments.

Colonel Zuick joined the California Air National Guard as an airman basic on May 17, 1958, and rose to the grade of staff sergeant. After completing over 10 years enlisted service, he was appointed as a first lieutenant on March 31, 1969. He subsequently rose through the commissioned ranks and was promoted to the grade of colonel on December 31, 1984. His military positions during that period included administrative clerk, administrative officer, public affairs officer, administrative management officer and education and training officer.

Colonel Zuick has served on State active duty for the California State Military Department since June 1, 1976. He joined the office of the adjutant general, Sacramento, as an administrative services officer and has served the adjutant general in a number of other capacities since that time including deputy assistant chief of staff, air division; personnel services officer; personnel services officer; training officer; and chief, offices of policy and liaison. In the latter capacity, Colonel Zuick has overall responsibility for legislative research and coordination and legislative inquiry response and complaint resolution on matters pertaining to the California State Military Department, including liaison with State and Federal legislators, the Governor's office, and other State and Federal agencies. The chief, office of policy and liaison is a member of the adjutant general's special staff and reports directly to the assistant adjutant general and the adjutant general.

Colonel Zuick has also served as a member of the adjunct staff of the Reserve Forces Policy Board, Office of the Secretary of Defense, from 1982 to present, serving as publications editor of Reserve Component Programs, the Board's annual report to the President and the Congress. In addition, Colonel Zuick assisted in the preparation and publication of a report commemorating the Reserve Forces Policy Board's 40th anniversary, providing a permanent history of the contributions of the Reserve Forces Policy Board to the defense of our Nation. His performance of duty in each of these assignments was exemplary. This assignment represents the longest tenure that any member of the California National Guard has served with the Office of the Secretary of Defense. Additionally, he is the only staff member of the California Air National Guard to wear the Office of the Secretary of Defense Identification Badge.

His decorations include the Defense Meritorious Service Medal, Meritorious Service Medal, Joint service Commendation Medal, Air Force Commendation Medal/1 Device, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award/2 Devices, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Air Force Longevity Service Award/6 Devices, Armed Forces Reserve Medal/1 Device, Small Arms Expert Marksmanship Ribbon, Air Force Training Ribbon, Medal of Merit/3d Award, California Commendation Medal/2nd Award, Governor's Outstanding Unit Award/2d Award, State Service Medal/6th Award, California Drill Attendance/31st Award, and numerous other awards and decorations.

Colonel Zuick's civilian education includes a bachelor of arts degree in art from Fresno State College; a master of arts degree in art education, also from Fresno State College; a master of public administration degree from Auburn University, and secondary and community college teaching credentials. His military education includes the Air Command and Staff College, the Air War College, and the National Defense Strategy Seminar.

Colonel Zuick resides in Carmichael, CA, with his wife, Johnnie. He is a member and former president of the National Guard Association of California, the National Guard Association of the United States, the Air Force Association, and the Association of the United States Army.

Mr. Speaker, Colonel Zuick is an extraordinary officer. I have been impressed by his outstanding service and contributions to our Nation by his service in our Armed Forces. As he prepares to retire from military service, I congratulate and thank him for his many years of outstanding service to our Nation and extend my best wishes for his future endeavors.

COMMEMORATION OF THE 50TH ANNIVERSARY OF WORLD WAR II

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. ANDREWS. Mr. Speaker, this day, on which we commemorate the 50th anniversary of the end of World War II, I would like to take the opportunity to extend my heartfelt thanks to the men and women who so proudly served their country over the course of those difficult years, both on the battlefield and at home. Over a half-century has now passed since Japan surrendered aboard the U.S.S. *Missouri* in Tokyo Bay; and yet, neither the magnitude of the sacrifice that our World War II veterans made, nor the significance of their accomplishments in the name of freedom and peace, has been diminished in our collective consciousness. It is a privilege to salute these courageous Americans on this occasion.

In the 3½-year history of the Second World War, over 17 million Americans served in the Armed Forces, ensuring the survival of democracy abroad through their valor and bravery in combat. Millions more provided invaluable contributions to the cause on the home front, by working in support of the military effort and by preserving the morale and integrity of the Nation in a period of such utter turmoil. The cost of victory was, indeed, great: over 670,000 soldiers were wounded in combat, and more than 290,000 lost their lives in combat. On this day, we remember the awesome sacrifice which they made to their country, and realize that the legacy of their passing is a world which today is more committed to democratic ideals than it has ever been before, and a global community which has become more vigilant against the evils of totalitarianism and genocide.

Today I wish to join with all Americans in acknowledging the 50th anniversary of World War II, and in thanking those who served their country during that conflict, particularly the 40,000 veterans from my district. May their sacrifices to our country never be forgotten.

A GRAVE INJUSTICE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. FROST. Mr. Speaker, today I introduced legislation that will attempt to correct a grave injustice that occurred in this country—an injustice that involved thousands of people who were the victims of secret government-sponsored radiation tests beginning in the 1940s.

My bill will compensate some of these individuals and follows the President's Advisory Committee on Human Radiation Experiments'

recommendation in compensating those victims or surviving family members of plutonium, zirconium and total-body irradiation experiments and would authorize a payment of $50,000. This payment is clearly not adequate, but at least it is something.

One of the people injected with plutonium, Elmer Allen, lived in my congressional district in Texas. Believing that he was being treated for bone cancer, Mr. Allen received an injection of plutonium in 1947. Although doctors did not expect him to live long, Elmer Allen lived another 44 years. But those were difficult years for a man troubled by numerous illnesses and health problems.

We can never fully compensate these people for what their government has done to them. It's just astonishing that the federal government sponsored these experiments. However we can provide some measure of relief with this payment and recognition that the United States Government was wrong to conduct secret experiments on its citizens.

Our country sometimes makes mistakes. However the great thing about this country is that we come to realize these mistakes and accept responsibility. It is time to accept this responsibility and act quickly on this legislation to correct this terrible wrong.

REINVENTING GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 11, 1995, into the CONGRESSIONAL RECORD.

OMNIBUS BILLS

Congress is completing work on an omnibus budget reconciliation bill. Budget reconciliation bills balance revenue and spending legislation to meet budget targets. This one will be the thirteenth budget reconciliation bill since the 1974 Congressional Budget Act, and by far the largest single omnibus bill in history. It will include major changes in Medicare, banking, farm programs, welfare, trade negotiations, veterans assistance, student loans, environmental preservation, small business support, and hundreds of other important issues. Almost every key policy change in this session of Congress will be in one single bill.

Omnibus bills are bills that contain numerous unrelated provisions. The largest omnibus bills have been budget reconciliation plans, which typically amount to less than $50 billion. This year, however, the congressional leadership is planning an unprecedented $900 billion reconciliation plan. Budget reconciliation bills are supposed to focus on changes that impact the deficit, but this year's plan also includes a large number of controversial policy decisions. Omnibus budget bills are usually written behind closed doors in the Speaker's office, and they are brought to the floor of the House under closed rules that prohibit amendments and severely limit debate. Thus, Members have only one up-or-down vote on the entire legislative package.

In theory, omnibus bills can be used to combine a few complicated, intertwined issues for more efficient consideration on the floor of Congress. The larger the bill, however, the less attention Congress pays to critical issues. While the need for omnibus bills can be legitimate under some circumstances, I have expressed the concern for many years that abuse of this process cheats Americans out of fair and effective representation. Beginning with the work of the Joint Committee on the Organization of Congress in 1993, I have been working on steps to limit the scope of omnibus bills.

DRAWBACKS

There are several serious problems with omnibus bills. First, citizen representation is diminished. Members get only one vote on hundreds or thousands of different issues. It is very difficult to address important constituent concerns on these issues if a legislator has only one vote on so many provisions. Second, Members rarely have enough time to read—let alone study—large omnibus bills. Members should have the opportunity to ask questions, offer amendments, and debate the merits of every critical issue facing our country. It is impossible to foresee all the consequences of any given bill, and open debate and public scrutiny invariably improve the quality of legislation. Third, omnibus bills place a huge amount of power in the hands of a few key leaders and their staffs, which increases the influence of special interests and the potential for corruption. Omnibus tax bills, for example, are notorious for including numerous tax loopholes for powerful interests with well-connected lobbyists.

WHY?

It is not easy to explain why the Congress has become so dependent on omnibus bills. In part, the volume of work and the tendency to delay action to the last minute contribute to the problem. In addition, Members of Congress do not want to send bills with little political support to the floor as separate bills. Because they avoid the normal committee process, omnibus bills strengthen the power of congressional leaders to shape a bill. The increased reliance on huge omnibus bills reveals the marked deterioration in Congress' consensus-making skills.

The increasing reliance on omnibus bills suggests that Congress is simply unable to deal in a fair and effective manner with the variety, complexity, and sheer number of issues that crowd the agenda. I have the uneasy feeling that these omnibus bills show the Congress losing control of the legislative process. All Americans believe major government reforms are urgent, but Congress is unable to address them deliberately and forthrightly. Members of Congress in both parties complain that there has been a failure of the institution to manage the budget process.

I believe Congress' heavy reliance on omnibus bills is a serious mistake. Congress should take immediate steps to return to more open procedures.

POSSIBLE SOLUTIONS

There are a number of steps Congress should take to alleviate the problems of omnibus bills. First, Members should be given time to review the bills. Although current rules require a three-day waiting period for members to review most bills, the congressional leadership rarely observes these rules. These rules should be strengthened. Second, Congress should enact an expanded line-item veto, which would allow the President to break omnibus bills into separate parts. I support a line-item veto. Earlier this year, the House passed a limited version of the line-item veto that would apply only to yearly spending bills—it would not apply to omnibus budget bills. I voted for a line-item veto that would be tougher on omnibus tax bills, but it was defeated. Third, Congress should limit or prohibit legislation that deals with many unrelated topics. Currently, for example, the leadership could bring an omnibus bill to the floor that funds a national park and a nuclear submarine, and Members would have limited opportunity to debate the merits of these distinct issues. Bills with such different provisions should be restricted. Fourth, House rules should be changed to allow Members to have a vote on whether or not to divide huge omnibus bills into smaller parts. Current rules allow the leadership to prevent such a vote. I am working to change these rules to allow Members an individual vote on major portions of a bill.

CONCLUSION

Omnibus bills have clearly gotten out of hand. It is simply unacceptable to force Members of Congress to vote on critically important bills that they have not had time to review. It severely diminishes representative democracy when Members are not permitted to vote on separate issues. Omnibus bills can be acceptable when used for legitimate purposes in a limited fashion, but the huge omnibus bills in recent years are an abuse of the system that must be reformed.

THE 50TH ANNIVERSARY OF THE END OF WORLD WAR II

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. CARDIN. Mr. Speaker, I rise today, on the day that Congress has chosen to commemorate and salute the veterans of World War II, to recognize the contributions of the workers whose productivity gave our military men and women the tools they needed to achieve victory.

This Sunday, October 15, thanks to a grant from the National Endowment for the Humanities as well as State, local, and private moneys, the men and women of Glenn L. Martin Aircraft Co. will celebrate their role in the 50th anniversary of the end of World War II.

And what a role they played. Glenn L. Martin in the Middle River area of Baltimore County attracted tens of thousands of workers from all over America and forged them into a team that contributed the first modern bombers to the U.S. Navy and Army Air Corps as well as our Allies. During the war, more than 100,000 workers built more than 7,000 bombers.

In addition, these Maryland immigrants created new communities and stayed to raise families and share their talents and ideas.

They won the production battle of World War II. I am delighted that this Sunday will offer them a time of reunion and recognition for their contributions to the victory effort.

TRIBUTE TO BOY SCOUT TROOP 28 OF MAPLE SHADE, NJ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to thank Boy Scout Troop 28 of Maple Shade,

NJ. On October 7, 1995, members of Troop 28 aided in making my Maple Shade town meeting a rousing success.

I am heartened by the dedication of these young men, and I feel that it is necessary to honor their contributions. I wish to thank assistant scoutmasters Jim Johnson and Stephen Mandichak, assistant senior patrol leader Michael DeNight, Boy Scouts Louis Fala, Douglas Galson, Douglas Mandichak, Jared Mandichak, and Brian DeNight, Webelo Cub Scout Christopher Fala, and Cub Scouts Richard Fala and Eric Galson.

In serving the people of the First Congressional District of New Jersey, I find it necessary to hold regular town meetings. These town meetings cannot possibly become reality without the aid of my constituents. The young men of Troop 28 presented the colors of the flag of the United States in front of the 50 residents who attended the meeting. All those present witnessed a dedication to our country that no one can match.

It is essential that the youth of our Nation become exposed to civic affairs. By participating in our Government at an early age, these young men have learned a lesson that will last a lifetime. It is my hope that they will continue to be involved in their community and the world around them in the years ahead. I urge all of my colleagues to join with me today in honoring Boy Scout Troop 28 of Maple Shade, NJ.

TAIWAN AND WORLD RECOGNITION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Ms. JACKSON-LEE. Mr. Speaker, during the August recess, I had an opportunity to visit the Republic of China on Taiwan and to meet with President Lee Teng-Hui and Foreign Minister Frederick Chein. I was very impressed with their plans for further economic growth and political reforms. However, both men appeared very upset with PRC's military exercises around the island during July and August. They viewed the Chinese missile tests as an undisguised military threat against Taiwan and pleaded for international attention to the matter of increasing military tensions in the Asia-Pacific region, emphasizing China's constant belligerence.

I share President Lee and Minister Chien's concern. I noticed that the tests had adversely affected confidence in Taiwan's economic climate, sending both the Taiwanese stock market index plummeting to its lowest level since December 1993 and causing the Taiwan dollar to fall to a 12-month low.

I hope that the Chinese Government, in the spirit of cooperation, will announce its cessation of future military exercises near the shores of Taiwan. Continued exercises will only further discourage Taiwanese business investments in mainland China and exacerbate increased tension in the Taiwan straits. These affronting activities harm both the Republic of China on Taiwan as well as mainland China.

Mr. Speaker, I hope that there will be peace in the Taiwan straits as the Republic of China on Taiwan readies itself for the celebration of National Day on October 10, 1995.

WORLD MENTAL HEALTH WEEK

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. THOMPSON. Mr. Speaker, I rise today in observation of World Mental Health Week. This week has been set aside to focus on the mental health disorders that affect millions of people all over the world. Researchers have concluded that nearly 1 in 3 Americans will experience a mental disorder during his or her lifetime. Mental disorders can strike cruelly, producing hallucinations, paranoia, depression, panic, obsessions' and can even lead some to suicide.

Some people with serious mental illnesses experience moderate problems that respond well to immediate treatment. Others have severe problems that continue over a long period of time. The population affected with serious mental illness is a diverse group with different diagnoses levels and durations of disability. Therefore, the needs of this group can be very different. Because of these disorders, many individuals are unable to complete their education, maintain employment, or lead productive lives.

The realities of mental disorders demand the attention and cooperative efforts of those involved in the development and planning of necessary comprehensive health, social services, housing, and disability policy. Mr. Speaker, I urge all of my colleagues to join me in recognition of Mental Health Week.

TAIWAN CELEBRATES NATIONAL HOLIDAY AND DEMOCRATIC PROGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. LANTOS. Mr. Speaker, yesterday the people of Taiwan celebrated the anniversary of the 1911 revolution in China which led to the overthrow of the last imperial dynasty and the establishment of the Republic of China under Dr. Sun Yat-sen. This was a critically important event in the history of modern China, and it is highly appropriate to commemorate this event as the watershed moment for the beginning of democracy in the Republic of China in Taiwan. We hope that one day it will also be commemorated as a turning point in the struggle for democracy in the People's Republic of China as well.

In a formal speech marking this important anniversary, President Lee Teng-hui of Taiwan urged the Government of the People's Republic of China to respect the democratic system of government and the free market economic system that are now in place in Taiwan. President Lee said that China cannot resist the trend toward freedom and democracy, and that respect for Taiwan's democratic system of government is "the most important precondition for Chinese reunification."

The people and Government of Taiwan have made great progress in democratic development, and President Lee deserves particular commendation for his critical role in this process. Next March, the people of Taiwan will have the opportunity to participate in the first direct Presidential election. This development reflects the changes that have taken place throughout Taiwan in recent years. The evolution of a strong democratic tradition on Taiwan is something that all of us can welcome.

Mr. Speaker, I join in extending my warmest best wishes and heartiest congratulations to the people of Taiwan on their national day, and I wish them great success as they continue their democratic development. Government officials in Beijing should take note of the outstanding progress that has been achieved on Taiwan in a flourishing democracy.

TRIBUTE TO M. SGT. SUSAN A. O'CONNOR

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Mr. WELLER. Mr. Speaker, today I'd like to honor the retirement of M. Sgt. Susan A. O'Connor from the Air Force Reserve.

Master Sergeant O'Connor has served her country well. Enlisting in the Air Force Reserve on September 19, 1975, Master Sergeant O'Connor has spent her entire career at O'Hare LAP Air Reserve Station in Illinois. She served with distinction in the base operations field for 2 years and the command and control field for the past 18 years.

Master Sergeant O'Connor has performed vital command and control functions as Air Force Reserve units became involved in worldwide events, including Somalia, Haiti, Rwanda, Bosnia, and, of course, Desert Shield and Desert Storm. She also provided outstanding support as our units from O'Hare deployed for operational readiness inspections and the rotational deployments to Panama, supporting airlift operations throughout Latin and South America.

Throughout her tenure in the Reserves, Master Sergeant O'Connor has proven to be professional, knowledgeable, experienced, and dedicated. Her skills demonstrate a natural born leader and her positive outlook and work ethic are an inspiration to all. Her service to our country is greatly appreciated and respected.

Congratulations to Master Sergeant O'Connor on her retirement effective September 30, 1995 and good luck in future endeavors.

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, October 12, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 13

10:00 a.m.
Energy and Natural Resources
Oversight and Investigations Subcommittee
To hold hearings to examine the role of the Council on Environmental Quality in the decision-making and management processes of agencies under the Committee's jurisdiction (Department of the Interior, Department of Energy, and U.S. Forest Service).
SD–366

Judiciary
Terrorism, Technology, and Government Information Subcommittee
To continue hearings to examine certain Federal law enforcement actions with regard to the 1992 incident at Ruby Ridge, Idaho.
SD–106

Judiciary
Terrorism, Technology, and Government Information Subcommittee
To resume hearings to examine certain Federal law enforcement actions with regard to the 1992 incident at Ruby Ridge, Idaho.
SH–216

OCTOBER 17

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on conserving judicial resources, focusing on the caseload of the District of Columbia Circuit and the appropriate allocation of judgeships.
SD–226

3:00 p.m.
Conferees
Closed, on H.R. 1655, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
S–407, Capitol

OCTOBER 18

9:30 a.m.
Labor and Human Resources
To hold hearings to examine the impact of emerging infections on the nation's health.
SD–430

10:00 a.m.
Judiciary
To hold hearings to examine property rights issues.
SD–226

OCTOBER 19

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD–419

OCTOBER 20

10:00 a.m.
Judiciary
To resume hearings to examine the status of religious liberty in the United States.
SD–226

OCTOBER 23

10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To resume hearings to examine the status and future of affirmative action.
SD–226

OCTOBER 24

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 1101, to make improvements in the operation and administration of the Federal courts.
SD–226

OCTOBER 25

10:00 a.m.
Veterans' Affairs
To hold hearings to examine veterans' employment issues.
SR–418

OCTOBER 26

2:00 p.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 231, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, S. 364, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and H.R. 562, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona.
SD–366

OCTOBER 31

10:00 a.m.
Judiciary
To hold hearings to examine changes in Federal law enforcement as a result of the incident in Waco, Texas.
SD–106

NOVEMBER 1

10:00 a.m.
Judiciary
To continue hearings to examine changes in Federal law enforcement as a result of the incident in Waco, Texas.
SD–106

NOVEMBER 15

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.
SD–226

POSTPONEMENTS

OCTOBER 12

9:00 a.m.
Environment and Public Works
To hold hearings on S. 1285, to reauthorize and amend the Comprehensive Environmental Recovery, Compensation, and Liability Act of 1980.
SD–406